

**Federal Republic of Germany;**

**Guiding questions II: Neglect, violence and abuse**

- 1) In your country, are there specific studies or surveys (from governmental, non-governmental or academic sources) on violence, abuse and neglect experienced by older persons?**

**Answer:**

- Violence against old people in their personal environment. Scientific supervision and evaluation of a pilot project. Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. Görgen (2002)
- Experiences of criminality and violence in the life of older people. Results of a multi-method study on the risks to older people and vulnerable adults. Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) Görgen 2009).
- Living safely in old age. An action programme for the prevention of criminality and violence to older people and vulnerable adults. Report to the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. German Police University. (Görgen 2012)
- Aggressive behaviour amongst occupants of in-patient elderly care facilities as a challenge for nursing training and continuing training. Led by: Görgen;(ongoing study 2016 to 2019)
- Concluding report on the research project ReduFix ambulant – Safety and quality of life in the domestic care of elderly people in need of care and support. (Klie 2013)
- Recognising and preventing violence against the elderly. Safer Care. Fulda University. Public Health Institute Fulda. Nursing and Health Department. Project Description. (Blättner 2015)
- Overview of the long-term study "The burden on relatives caring for people with dementia" (LEANDER). (Zank, S. & Schacke)
- PURFAM – Potential and risks in caring for older people within the family. Short report. (Zank, S. (2012).
- Medizinischer Dienst des Spitzenverbandes Bund der Krankenkassen e.V. (MDS): Prevention of violence against elderly people and those in need of care in Europe. Framework recommendations to develop a monitoring system. Results of the MILCEA (Monitoring in Long-Term Care Pilot Project on Elder Abuse) Project, quality of life in the domestic care of elderly people in need of care and support (funded 2013-2015 by the Federal Ministry of Health). The project illustrated, in four local authorities in Germany (Dortmund, Administrative District of Fulda, Potsdam and Stuttgart), how structures to prevent violence in the home

care situation can be established locally. The primary focus was on defining areas of responsibility for this problem within the professional care system organisations, such as the medical services, nursing care insurance funds and outpatient nursing services and on improving networking and communication between the organisations so that precarious care situations can be recognised in time and people in need of care along with their carers can be protected against violence.

- The study "Violence against women in partner relationships" (2009) carried by the BMFSFJ also contains findings relating to violence against older women.

- 2) (a) What forms of violence, abuse and neglect (e.g. physical, psychological, sexual, financial or other) are registered? What is the setting in which they occur (i.e. residential and non-residential)? Is there information about the type of perpetrator?

Answer to a):

The results of the study "Violence against women in partner relationships" (2009) show that older women suffer physical and/or sexual violence from partners less frequently than the younger and middle age groups. Older women tend to be more affected by psychological violence without physical/sexual attacks. However, this does not mean that the group of women aged 60 and over would not be relevant for the monitoring and prevention of serious physical and sexual abuse in partner relationships. If the totality of current partner relationships involving serious physical and/or sexual violence is taken as a basis, women over the age of 60 represent a considerable proportion of the women suffering serious physical/sexual abuse from their current partners. For example, one in six or seven women (14-18%) were older than 60 – mostly under 75 years old. This indicates that older women, in comparison with their share of the overall population, were less frequently affected by serious physical/sexual abuse, but that they still represent a very relevant group of abused women because of the high proportion of older people within the population,

According to the findings from the Living Safely in Old Age project (Görge 2002 and 2009) (see above), there are reports of violence against elderly people in domestic care settings and property offences committed against elderly people (especially confidence tricks, frauds and scams, embezzlement) even in care relationships.

In particular, people in care relationships and people of advanced age with or without cognitive impairment can be affected.

- (b) Do violence, abuse and neglect particularly affect specific groups of older persons? If so, which groups and how?

Answer: To b)

Financial abuse (abuse of power of representation in care relationships, see also Question 2).

As regards the increased probability of the occurrence of violence in view of the distribution of power and resources within couple relationships, the findings

indicate the following: The extent and severity of violence are disproportionately higher where women in the middle and older generations have a high income level and/or are in high positions professionally and/or are well trained or educated and their male partners are the equivalent or superior instead of inferior (meaning that openly or implicitly traditional gender role concepts are questioned).

- 3) Does your country's legislation explicitly address issues of violence, abuse and neglect against older persons? If not, what legislation applies to such issues in the context of older persons? Does this legislation sufficiently address the full range of violence against older persons?

Answer:

To be able to work to prevent violence in care situations, carers must have the necessary knowledge and be able to access support. In a domestic care situation, it has been sufficiently proven that excessive stress on the carer is one of the strongest risk factors for problematic care relationships. The three Acts to Strengthen Long-Term Care therefore expand the assistance, support and advisory services provided by social insurance for long-term care (Eleventh Book of the Social Code – SGB XI) for people in need of care and their relatives.

SGB XI creates a legal framework for good quality in care. The aim is to strengthen quality expertise and internal quality management and to create transparency of results. At the moment, against the background of the new definition of the need for long-term care which is based on the independence of those in need of care, a new scientifically based procedure for measuring and presenting the quality of care is being developed.

Furthermore, there is in Germany (initially as part of a pilot) a contact person at the public prosecutor's office specialising in criminal offenses against older people.

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) has also, on the basis of the "Helpline Law", as it is called (2011), set up the "Violence Against Women" helpline which, since 2013, has been providing free, around the clock, anonymous, barrier-free qualified initial advice in a variety of languages with the option of onward referral to the local support system which also includes the target group of older women.

- 4) What legislation exists to protect older persons specifically against financial abuse, including inheritance abuse?

Answer:

The General Equal Treatment Act (AGG) forbids discrimination on the basis of age within employment situations and mass activities.

Furthermore, provisions of the German Civil Code (BGB) and Criminal Code (StGB) to prevent abuse – e.g. in the case of legal support – apply equally for all age groups.

Legal support, for example, is a protective tool for those affected to maintain their right of self-determination and to shape their life in line with their own wishes and concepts in so far as they are capable of doing so.

To protect a supported person from financial abuse, the Guardianship Court can order that, for a declaration of intent affecting the duties of the person providing support, the supported person requires the agreement of the person providing support.