

German Institute for Human Rights

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Guiding Questions: Neglect, violence and abuse

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

Answer:

- Violence against older persons in their personal environment. Scientific supervision and evaluation of a pilot project. Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ). Görgen, Thomas (2002)
- Experiences of criminality and violence in the life of older persons. Results of a multi-method study on the risks to older persons and vulnerable adults. (BMFSFJ) Görgen, Thomas et al (2009).
- Intimate Partner Violence against older Women (IPVoW) This project, which was coordinated by the German Police University and ran from 2009 to 2010, aimed at exploring the issue of and institutional knowledge of IPVOW in the participating countries (Austria, Germany, Hungary, Poland, Portugal, UK) in order to develop an international perspective on the problem.
- Living safely in old age. An action programme for the prevention of criminality and violence to older persons and vulnerable adults. Report to the BMFSFJ. German Police University. Görgen, Thomas et al (2012)
- PURFAM – Potential and risks in caring for older persons within the family. Short report. Zank, Susanne / Schacke, Claudia (2012).
- Concluding report on the research project ReduFix ambulant – Safety and quality of life in the domestic care of older persons in need of care and support. Klie, Thomas et al (2013)
- Mind the Gap! (MtG 2013) Improving intervention in Intimate Partner Violence against older Women This project, which was coordinated by the "Zoom – Society for Prospective Developments" ran from March 2011 to February 2013 and aims to increase the capacity of law enforcement and social support organisations to tackle intimate partner violence against older women, in addition to increasing public awareness of the issue and reaching out to victims.
- Security potentials for older persons: A project to promote security-related behavior among older persons and prevention of fraud against older persons, Görgen, Thomas (2014)
- Recognising and preventing violence against the elderly. Safer Care. Fulda University. Public Health Institute Fulda. Nursing and Health Department. Project Description. (Blättner 2015)
- (LEANDER). Overview of the long-term study "The burden on relatives caring for people with dementia" (Zank, Susanne. & Schacke, Claudia)
- Medizinischer Dienst des Spitzenverbandes Bund der Krankenkassen e.V. (MDS): Prevention of violence against older persons 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)

- Medizinischer Dienst des Spitzenverbandes Bund der Krankenkassen e.V. (MDS): Project, quality of life in the domestic care of older persons in need of care and support (funded 2013-2015 by the Federal Ministry of Health).
- Aggressive behaviour amongst occupants of in-patient elderly care facilities as a challenge for nursing training and continuing training. Led by: Görge, Thomas (ongoing study 2016 to 2019)

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 nonresidential)?

All forms of violence named in the WHO definition occur. Studies showed (Görge Thomas 2002, 2009), that older persons are less frequently victims than younger persons, because e.g. they do not access violent areas. Most studies state that all forms of violence e.g. physical can be found in different settings. Older persons can be victims of physical, psychological, sexual and financial abuse at home, in residential care and in alternative settings as well. Especially older women are victims of intimate partner violence.

Is there information about the type of perpetrators?

Many perpetrators have a close relationship to the older victim not only the perpetrators of intimate partner violence against older women. They are caregivers, family members, guardians. This is also true for financial abuse but it might also be different - e.g. perpetrators in the case of fraud and other forms of financial abuse might be part of criminal organisations where there is no close relationship with the victim.

If violence in care settings happens, it is stated that excessive stress is one of the strongest risk factors. Especially caregivers in domestic settings need to get the knowledge, where they can get support, what kind of relief offers are available and who would be the right service to speak to.

But stress and structural specifications in residential care can be another risk factor for violence against older persons in care. Especially if time is limited and there are not enough professionals working at a shift. Violence, abuse and neglect can be found. The findings of a survey of ZQP (Zentrum in der Pflege, 2014) showed that all forms of violence take place on a regular basis, and that the caregivers (professional and non-professional) are the perpetrators. The survey came up with the finding, that most people are of the view that violence and abuse against older persons, is not as bad as violence against women and children.

But it has to be noted that violence can also be found between persons in care. Furthermore it is very often reported, that violence from the person in need of care is directed at the caregiver or nurses.

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

Older women are the most affected group among older persons. They have the highest risk to be and live alone and are in need of care. Older women suffer from physical and sexual abuse from partners less frequently than women at a younger age, but psychological violence seem to occur on regular basis.

Older persons in care are particularly vulnerable to all forms of abuse against older persons. The dependency between the older person in need of care and the caregiver is very high.

Older persons with dementia are on a high risk to be under restraints, physical or through medication. The night-shift consists of less persons than the day shift and many patients who suffer from dementia are very active during the night.

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?

There are no explicit rules on the protection of older person. Therefore, the general legal regulations apply, which are not sufficient to protect older persons especially in care from violence.

In 2002 the Act for Protection Against Violence came into force with the aim of facilitating women victims of intimate partner violence in their efforts to stay in their home and strengthening their rights. The scope of the act includes older women, but many support systems do not suit for older women especially if they are in need of care. Aside from the proactive work carried out by the intervention centres, which learn about the cases in part through police operations and in part without the consent of the victims and then contact them, inform them about their legal options and offer them counselling, the existing structure is based, however, on a "you come to us" approach, which relies on women's individual initiative in making use of help.

The regulations of the social code (SGB XI and SGB XII) relate primarily to older persons in need of care. If the person concerned is not in need of care, the mentioned regulations of SGB XI/XII do not predominantly apply. Naturally, all older persons who are in need of care are entitled to basic and human rights. Laws which are intended to protect older persons in need of care differentiate between institutional/residential care and professional non-residential and care at home.

Residential care:

For the area of outpatient and inpatient care, regulations on quality have been issued in recent years. To improve the quality in care binding expert standards were developed in accordance with §§ 113a et seq. SGB XI, quality audits by the MDK / PKV pursuant to §§ 114, 114a SGB XI and on the part of the Home Inspectorate (HeimGG and Land Legislation Home Laws), as well as by an internal quality management according to § 11 para 2 no. 4 HeimG. These can – through good implementation - contribute to the prevention and discovery of neglect and ill-treatment of older persons who are cared for in inpatient care or by ambulatory nurses at home.

Care at home – without professional caregiver:

The law provides counselling and support for guardianship (eg. §§ 1896ff BGB) and long term care (counselling §7a Social Code (SGB) XI, support for caregivers and person in need of care are regulated in SGB XI and SGB XII)

Inspections are regulated in SGB XI, the different inspections control what kind of support the person in care needs, whether the care meets the requirements for good and humane care.

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

The regulations of the German civil code and criminal code apply for all age groups.