



# General Assembly

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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Written statement\* submitted by HelpAge International, a non-governmental organization in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2023]

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\* Issued as received, in the language of submission only.



## **Violence and Abuse against, and Neglect of Older Persons**

HelpAge International welcomes the report of the UN Independent Expert on the enjoyment of all human rights by older persons, and its focus on violence, abuse and neglect.

We particularly welcome the identification of ageism as the root cause and key factor in perpetuating abuse of older persons, and the lack of specific provisions addressing violence against and abuse and neglect of older persons in the current international human rights framework.

The World Health Organization (WHO) estimates that one in six older persons have experienced some form of violence, abuse or neglect.(1) Older persons in all their diversity are subjected to different types of financial, physical, sexual, psychological violence and abuse, and neglect.(2) They face a wide range of types of violence, abuse and neglect, perpetrators and settings, both private such as at home and public, for example on public transport and in health facilities and care homes.(3) Violent acts are perpetrated against older persons as individuals or as part of a more systemic structural violence, abuse and neglect. They often face multiple and intersecting forms of discrimination and/or can be victims of violence, compounded by their gender, age or disability or on other grounds, which affects the enjoyment of their human rights.(4) Abuse of older persons can have serious physical and mental health, financial, and social consequences, including physical injuries, premature mortality, depression, cognitive decline, financial devastation, placement in nursing homes.(5)

Widespread prevalence of gendered ageism puts older women even more at risk of violence, abuse and neglect.(6) Older women tell us that they face physical, emotional, financial and sexual violence, and neglect, as they are commonly perceived to be alone and powerless. In most cases, older women have no choice but to continue living with the perpetrator(s). They do not receive the necessary help, assistance or even a fair hearing when they complain about issues to the police or village chiefs. Rather, they face barriers to accessing justice, including being dismissed or not having their complaint heard because they are an older woman.(7)

A particularly worrying practice in some parts of the world is that of accusations of witchcraft, leading to older persons, particularly women, being subjected to barbaric acts of violence and even lynching.(8)

As pointed out in the Independent Expert's report(9), an increase in violence against older persons is seen in specific contexts, such as during the COVID-19 pandemic, armed conflicts, natural disasters and climate change. Older persons, particularly older women, are also at higher risk of gender-based violence, sexual exploitation, and elder abuse in humanitarian settings due to pre-existing forms of discrimination, social exclusion, limited access to resources and decision-making processes, etc. which may be compounded in the aftermath of a natural disaster or conflict setting.

Despite the particular human rights challenges we all face in older age, the current international framework provides only fragmented and inconsistent coverage of the human rights of older persons in law and practice.(10) Although there is some protection against violence under UN human rights treaties that applies to older persons, such as the right to life(11), the prohibition of torture and inhuman and degrading treatment(12), and the right to liberty and security of the person(13), to this day there is no international right to protection from all forms of violence, abuse and neglect in older age that applies generally or specifically to older persons. The Committee on the Elimination of Discrimination Against Women's General Recommendation No. 27 on older women and protection of their human rights (2010) includes violence, abuse and neglect but only applies to older women and not older men. Similarly, the obligations under the Convention of the Rights of Persons with Disabilities (CRPD) on the prohibition of torture and prevention all forms of violence and abuse only apply to older persons with disabilities.(14)

HelpAge International therefore fully support the UN Independent Expert in her conclusion that to close these gaps and provide the best protection for the rights of older persons, Member States should, in close collaboration with civil society, national human rights institutions, and older persons themselves, develop and adopt a comprehensive international legally binding instrument on the human rights of older persons that builds on existing rights and regional instruments.<sup>(15)</sup>

The convention would provide a legally binding framework that explicitly recognizes the right of older persons to live free from violence, abuse, and neglect, and address core issues of ageism and age discrimination. This right should include all forms of violence, abuse and neglect against older persons. It should apply to both public and private spheres, to acts perpetrated by both private and public actors. States should have an obligation to actively prevent violence, abuse and neglect in older age. The right should explicitly provide for access to a wide range of support services for survivors as well as the right to an effective remedy and access to redress mechanisms. Finally, the right should explicitly include an obligation for States to collect, disaggregate, analyse, utilise and make public at regular intervals appropriate information and statistical data on all forms of violence, abuse and neglect.

While we continue to actively participate in the UN Open-Ended Working Group on Ageing and the ongoing intersessional process in New York, we also welcome the work and progress made on the rights of older persons in Geneva, including the adoption of Human Rights Council Resolution 48/3 on the Human rights of older persons, the Report of the High Commissioner for Human Rights on the normative standards and obligations under international law in relation to the promotion and protection of the human rights of older persons (A/HRC/49/70), and the multi-stakeholder meeting on the rights of older persons held on 29-30 August 2022 .

To ensure further progress on this topic, we call on the Human Rights Council and Member States to implement and monitor implementation of the recommendations listed in the summary report on the multi-stakeholder meeting on the human rights of older persons (A/HRC/52/49).

We also call on the Human Rights Council to establish a multi-stakeholder mechanism to guarantee continued discussions on the human rights of older persons in general, and follow-up of the recommendations of the multi-stakeholder meeting on the human rights of older persons in particular.

Furthermore, we call on the Human Rights Council to adopt a second substantive resolution in 2023 on the issue, recommending concrete steps to close the human rights protection gaps, including the development of a dedicated, comprehensive and binding instrument on the human rights of older persons.

Finally, we call on the Human Rights Council to urge Member States to actively participate and support the work of the UN Open-Ended Working Group on Ageing to move expeditiously towards developing and adopting a coherent, comprehensive and integrated human rights framework.

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(1) WHO, Abuse of Older persons, 13 June 2022, <https://www.who.int/news-room/fact-sheets/detail/abuse-of-older-people>.

(2) HelpAge International, Entitled to the same rights: What older women say about their rights to non-discrimination and equality, and to freedom from violence, abuse and neglect, London, HelpAge International, 2017, <https://social.un.org/ageing-working-group/documents/eighth/EntitledsameRights-English.pdf>

(3) According to WHO, rates of abuse of older persons are high in institutions such as nursing homes and long-term care facilities, with 2 in 3 staff reporting that they have committed abuse in the past year. See WHO, Abuse of Older People, 2022.

(4) HelpAge International, Entitled to the same rights, 2017.

(5) WHO, Abuse of Older People, 2022.

- (6) HelpAge International, Older women's lived experiences of gendered ageism, HelpAge Briefing March 2023, <https://www.helpage.org/silo/files/older-womens-lived-experiences-of-gendered-ageism.pdf>
- (7) Ibid.
- (8) HelpAge International, 'Older people in Kenya must be protected from witchcraft accusations', 22 October 2021.
- (9) UN Independent Expert on the enjoyment of all human rights by older persons, Report on violence against and abuse and neglect of older persons, 2023, paras. 9, 53-55 and 86.
- (10) See UN High Commissioner for Human Rights, Report on normative standards and obligations under international law in relation to the promotion and protection of the human rights of older persons (A/HRC/49/7); 2021 update by OHCHR to the 2012 Analytical Outcome Study. See also UN Independent Expert on the enjoyment of all human rights by older persons, Report on the enjoyment of all human rights by older persons, 2021, and Report on violence against and abuse and neglect of older persons, 2023.
- (11) Article 6 of the International Covenant on Civil and Political Rights (ICCPR).
- (12) Article 7 ICCPR and the Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol.
- (13) Article 9 ICCPR. Article 10 ICCPR further requires certain standards to be met in cases of deprivation of liberty.
- (14) See Articles 15-17 CRPD. HelpAge International, Entitled to the same rights, 2017.
- (15) See UN Independent Expert on the enjoyment of all human rights by older persons, Report on violence against and abuse and neglect of older persons, 2023, para. 89. Also see Report of the Office of the United Nations High Commissioner for Human Rights, Summary of the multi-stakeholder meeting on the human rights of older persons, 2022, para. 38.