Mandate of the Independent Expert on the enjoyment of all human rights by older persons

**Call for inputs: Violence, abuse and neglect against older persons**

Each year, the Independent Expert on the enjoyment of all human rights by older persons presents two thematic reports, one to the Human Rights Council and one to the General Assembly. In 2023, the Independent Expert will dedicate her thematic report to the 54th session of the Human Rights Council to address and analyse violence, abuse and neglect of older persons.

To inform her report, the Independent Expert wishes to receive written contributions (max. 1,500 words) from relevant stakeholders, including national and local governments, national and international non-governmental organizations, national human rights institutions, international and regional inter-governmental organizations, United Nations agencies and entities, activists, academics and older persons.

The Independent Expert strongly encourages sharing concrete examples of good practices on how to eliminate violence, abuse and neglect against older persons.

The Independent Expert kindly invites all interested stakeholders to share their views and provide information on any or all the following issues:

1. **Legal, policy and institutional frameworks**: is there a non-discrimination law that prohibits discrimination based on age? Is there a legislation on violence against persons and/or domestic violence that includes violence, abuse and/or neglect of older persons? Does the law establish a specialised independent body receiving complaints of discrimination based on age? Is there a national plan, policy or strategy to address violence against older persons, that is overseen by a national mechanism to monitor and implement it? Please provide detailed information and relevant documents, if applicable.

*Slovenian Constitution* guarantees everyone equal human rights and fundamental freedoms irrespective of national origin, race, gender, language, religion, political or other beliefs, financial status, birth, education, social status, disability or any other personal circumstance, thus including age and sexual orientation and gender identity. It also prohibits any incitement to discrimination, hatred or intolerance and harassment. Following that, *The Principle of Equal Treatment* is the main piece of legislation prohibiting discrimination on the basis of sex, nationality, race or ethnic origin, religion or belief, disability, age, sexual orientation. It prohibits direct discrimination, indirect discrimination, rejection of reasonable accommodation and harassment as well as instructions to discriminate. The protection of rights and prohibition of discrimination based on age is also guaranteed in other acts, such as *Penal Code* and the *Employment Relationship Act*.

Slovenia does not currently have specific legislation on violence against the older persons. Violence against the older persons is dealt with in broader legislation, with different laws governing specific cases. The consequences are reflected in undefined rights and duties, methods of punishment and lack of appropriate action in the event of violence that has already occurred.

*Domestic Violence Prevention Act* is the first law that includes a clear classification of various forms of violence in the family, but it focuses on the family and not older persons specifically. For it to be applicable, a perpetrator and the victim must both come from the same family.

*Resolution of National Programme of Family Violence Prevention 2009-2014* was a strategic document setting out the objectives, actions and key policy actors for the reduction and prevention of domestic violence. The problem of violence is very broad, and the resolution includes all vulnerable groups that are most exposed to violence. In addition to children, women and people with disabilities, this group also includes older people, who are often unable to take care of themselves due to various circumstances. Unfortunately, no such resolution was adopted since.

*Strategy for the care of older people up to 2010* are strategic orientations that include a specific chapter on personal and other security for older people. They are first such document. Only in recent years has violence received more attention. Older people are seen as a vulnerable group, subject to violence and abuse which remains hidden. Most violence takes place in the family environment. The provision of care by family members is a critical point in abuse prevention. Institutional violence is the least researched important area.

*Employment relationship act* regulates employment relationship. Via this document older employees enjoy legal protection and certain privileges (e.g. seniority allowance, stricter conditions for overtime, shift and night work, severance pay on retirement, higher severance pay costs, stricter conditions for termination of contract),

Overall, more appropriate legislation to detect and prevent abuse is needed. Legislation on the prevention of violence against older people is weak, lacks clear definitions and should be updated and amended. Currently there are big expectations from not yet implemented *Long-term care act*. It should regulate home care, family care and institutional care, all areas that have a large risk factor for abuse of older people, but since it has been put on hold due to the change in government it’s final implementation is still unsure.

1. **Manifestations of violence**: what forms of violence, abuse and neglect are older persons facing? In which settings does it happen? Please provide detailed information.

Representative research conducted by the Anton Trstenjak Institute of Gerontology and Intergenerational Relations in 2013 has shown that around 60 000 older people, which is about 3% of the population, in Slovenia over the age of 60 experience violence. The emotional state of the victim, low income and gender have a major impact on the occurrence of violence. Research has shown that violence against older people is often perpetrated by spouses or partners and family carers (in case of home care situation), as well as by health and other professionals providing care in the home or institutions.

With the relatives who perpetrate violence against the older persons, most of it psychological, most often manifested as humiliation, blackmail, threats, controlling, force-feeding, force-medication, locking, prevention, and economic dependence. Most of this violence is unintentional, and most of it is caused by family carers burnout.

There is little reliable research on professional care workers' abuse (residential care, home care) but it is a growing concern that is being reported more often and is increasingly being highlighted in the media. Last year, however, nurses united in the Working Group on Non-Violence at the Chamber of Nurses and Healthcare Professionals began for the first time to address the question of how much violence is inflicted on patients by employees in healthcare or social care.

Internet safety for older people is an increasingly important topic as well. According to the police, the number of reports and the damage caused by defrauding older persons in the pandemic period was that one thousand victims lost 20 million euros in 2020 and two thousand victims who lost 40 million euros in 2021. There is an extensive list of reported internet scams on [www.varninaspletu.si](http://www.varninaspletu.si)

1. **Intersectionality**: how does violence, abuse and neglect affect specific groups of older persons (e.g. older women, older LGTBI persons, older persons belonging to ethnic and indigenous groups, older refugees and internally displaced persons, older persons with disabilities, etc.) Please provide detailed information.

Judging from police reports and experience from the field the most common victims are women aged between 70 and 75, who are socially isolated and need daily care.

1. **Data**: are data available at national and local level about violence, abuse and neglect of older persons? Are national surveys about violence including experiences of older persons? If available, please provide figures and data.

The police do not keep data on violence, abuse or other acts where the victim is an older person, and the perpetrator is a person who is supposed to care for that older person (e.g. a carer). However, they do keep a record of the most common criminal offences in which people over 64 years of age have been harmed. These include assault, slight bodily harm, grievous bodily harm, fraud, extortion and threatening. In 2022, the police dealt with 1 917 crimes in which 4 112 persons aged over 64 were harmed.

Verbal violence dominates with almost 70%, while physical violence accounts for around 15% and economic violence for around 10%. Just under 60% of older people have experienced violence at home, around a fifth at work and around 15% on the street. In a third of cases, the perpetrators are family members, and in a quarter of cases, people known to the victims but not their relatives or close family. In 18% of cases, the perpetrators are strangers, and in one in ten cases they are relatives or close friends who are not family members.

1. **Access to justice**: how does the State fulfil its obligations to ensure older persons’ access justice, and to obtain remedies and reparations, when their human rights have been violated as a result of violence, abuse and neglect?

There are no specific governing bodies that deal with older peoples human rights. We have an Ombudsman, guardian of human rights that accepts grievances and complaints from all generations.

1. **Access to information**: How do you raise awareness about violence against older persons in the public? How does information about access to essential services (e.g. healthcare, legal assistance, social services, access to shelters) is made accessible and available for older persons?

Anton Trstenjak Institute of Gerontology and Intergenerational Relations is a national coordinator of Slovenian network of age-friendly cities and communities, so we are working closely with several municipalities on topic of older persons abuse prevention. Beside organizing the workshops, we regularly publish in their local newspapers materials related to the older persons’ abuse prevention, covering from safety on the internet and while using social media, to physical self-protection on the street, alcohol related topics and supportive measures for family carers.

There has also been a short publication on the rights of older people regarding the long-term care services. People can access those at their local social work centres.

1. Please provide examples of **good practices** for preventing, monitoring and address violence and abuse against older persons.

In 2015, the Anton Trstenjak Institute of Gerontology and Intergenerational Relations developed a national social protection programme Ageing without violence for older people and their families. Its focus is on prevention. As it is difficult to detect and even harder to eliminate the consequences of violence, this programme focuses on strengthening protective factors - positive communication, timely property settlement, maintaining and developing social networks, etc.

We organise workshops on the experience of the older persons and communication when relationships are difficult; safety concerns outside the home, with a visit from a police officer; legal aspects of safety (including inheritance matters).

The programme also includes individual counselling for older people and their family members who need, in particular, preventive advice to avoid violence, for example in relation to inheritance or living with an alcoholic.

Anton Trstenjak institute, together with local communities, also organises Training for family and other informal carers, where family members and professionals who are carers, acquire skills on how to communicate with older persons, how to involve the whole family in caring, how to hire outside help etc. - all to avoid burnout and poor relations, which can lead to the the abuse or neglect.

Thank you for sharing any relevant information about violence, abuse and neglect against older persons **before 1 March 2023**, in English, French or Spanish in attachment (max. 1,500 words) by email to hrc-ie-olderpersons@un.org.