**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.

The umbrella piece of legislation is the Constitution of the Republic of Serbia that in its Article 21 explicitly prohibits discrimination on several grounds, including age[[1]](#footnote-1). The law on Prohibition of Discrimination explicitly lists age in among the grounds for discrimination practices that are prohibited[[2]](#footnote-2). The Commissioner for Protection of Equality acts as an independent body receiving complaints of discrimination based on age among other grounds for discrimination.[[3]](#footnote-3)

There is no specific national plan or strategy to address violence against older persons, however, the system for protection from violence in the family – as developed since 2002 – was significantly strengthened with the adoption of the Law on Prevention of Violence in the Family, which expanded the rights and obligations of institutions to a large extent in the prevention of domestic violence and established mechanisms with a view of reaching zero tolerance for violence in the family.[[4]](#footnote-4) This law is based on the pre-crime concept which gives the competent authorities wider competences and the possibility of acting to prevent crimes that have not yet been committed. One of the most significant stipulations of this law is that it establishes emergency measures, which are imposed by the police whenever the risk assessment determines the existence of an immediate danger of domestic violence, even before it has been committed, and in order to prevent it. This is in contrast with the mechanisms of the Criminal Law and Family Law protections that can be activated only after violence has been committed, in order to stop it and prevent it from happening again. In this way, protection against domestic violence is carried out even before it happens through preventive action of institutions. That is why this law stipulates the obligation of all state bodies and institutions to recognize and report violence/ the risk of violence, as well as to take all the measures within their jurisdiction to prevent the violence, and provide the victim with all the necessary help and support. This law also aims to regulate the actions of state bodies and institutions uniform way, which helps overcome sectoral, isolated and disconnected approach to the problem of violence and thus enable its effective prevention, as well as urgent, timely and effective protection and support for victims of domestic violence. In this way, the goal of the unified regulation of the organization and procedure was practically defined - the establishment of multisectoral cooperation, which is provided for in the General Protocol on the Procedure and Cooperation of Institutions, Authorities and Organizations in Situations of Violence Against Women in the Family and in Partner Relationships. While not explicitly aiming to protect older persons, it provides the institutions with ample means to identify, respond to and prevent elder abuse in family settings.[[5]](#footnote-5)

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.

The 2015 research implemented by the Red Cross of Serbia shows that 11.5% of older persons report being exposed to financial abuse, 7.8% report psychological abuse, 3.9% physical abuse, 3.4% report neglect while no respondents reported sexual abuse, 50% of them declining to answer this question[[6]](#footnote-6).

A more recent research with 2018 data, focusing on older women shows that 16% of older women aged 65 to 74 experienced some form of violence after reaching the age of 65. The most prevalent form is psychological violence, which was experienced by 38% of women over the age of 15 and 7% of women during the last 12 months (after turning 65). Since turning 15, 40% of women have experienced some form of violence by their current or former partner, while in the previous 12 months (after reaching the age of 65), 7.7% of women have had that experience.[[7]](#footnote-7) The Red Cross of Serbia and INPEA research in the region (Serbia, Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Moldova, Ukraine and Kosovo\*) using the 2018 data shows that over half (56.2%) of older women in the region experienced some form of gender-based violence during their lifetime, whether by partners or non-partners, in the form of physical, sexual, psychological, sexual harassment or stalking. Every sixth older woman (16.7%) reported experiencing these forms of violence during the 12 months preceding the survey. The survey showed that the risks of intimate partner violence are higher among women who live with partners who drink alcohol to excess, or who show aggressive behaviour outside the family.

\*This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence

One of the key findings is that the strongest predictor of violence against all women, including older women, is childhood violence. The prevalence rates for partner and non-partner violence are much higher among women who experienced some form of violence during their childhood (18.4% versus 10.5% among older women with no experience of childhood violence).

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.

This is as yet unexplored territory in Serbia. Efforts have been made so far, notably by the Red Cross of Serbia to analyse the feminisation of ageing and help to identify vulnerable groups among older women, taking into account intersectionality – such as rural women, women diagnosed with dementia, and older women of differing education levels, ethnicities, health statuses, sexual orientation and other variables. However, there is little available data on elder abuse and violence against older persons that is disaggregated by age and gender and even less that uses other parameters for disaggregation so much more work will be needed in this regard. The Red cross of Serbia and INPEA research in the region has found a connection between experience of childhood violence and the higher risk of being targeted by elder abuse later in life, but more research with intersectional perspective is very much needed.

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.

Data on abuse, violence and neglect of older persons is not specifically disaggregated from the general data on violence and abuse. Another common issue is the age limits in collecting data that usually stop at the end of reproductive age for women (49) and thus exclude older women from research results. Even studies that do include older persons rarely focus on the risks of violence specific to older population and thus fail to capture both the risks and the effects of some of the more common forms of abuse targeting older persons such as financial abuse, neglect or abandonment. This is a major problem in regards to the efforts aiming to prevent violence specifically targeting older persons. Research on violence targeting older persons has been exclusively the domain of civil society with the Red Cross of Serbia researching domestic violence against older persons and violence against women as quoted above. The Red Cross of Serbia and INPEA research quoted above highlights some of the gaps in data collection. One is related to the age limits for older women. In studying violence against older women, it is preferable to include women subjects older than 74 years of age. With increased age, functionality might decrease, and dependency on others increase, which may also increase risk of violence. Another gap is related to the specific forms of violence that are associated with older women, such as neglect and financial exploitation. As is typical in domestic violence prevalence studies, economic violence is subsumed under psychological abuse, with prompts given by interviewers that are more typical of situations experienced by younger women with dependent children and spouse/partners on whom they are economically dependent.

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 because of violence, abuse, and neglect?

Constitution of the republic of Serbia stipulates that everyone is entitled to legal assistance through services provided by attorneys and legal assistance services that may be established by municipal administrations. There is also the Law on Protection of the Right to a Trial Within a Reasonable Time[[8]](#footnote-8). There are 66 courts of general jurisdiction (“basic courts”) on the territory of the Republic of Serbia, 25 higher courts, 4 appellate courts, 44 magistrate courts, three appellate magistrate courts and three administrative courts. These courts cover the territory of the Republic of Serbia through being situated in different municipalities and covering neighbouring municipalities in cases when those do not have a court established at their territory. However, all these courts are situated in urban centres and are therefore not equally available or accessible to older persons living in urban, rural, or remote areas. Financial expenses related to different processes in accessing justice systems are identified as frequent barrier for many Serbian citizens – 63% of the polled citizens from general population say that they will try to avoid going to court if they can due to prohibitively high costs. More than half of those who have gone through court proceedings consider the incurred costs as excessive.[[9]](#footnote-9)

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?

Currently, there is virtually no efforts to raise awareness about violence against older persons in the public except for the campaigns implemented by the civil sector – such as the Red Cross of Serbia campaigns in 2021 including a street exhibition of photographs and a short film broadcast in post offices across the country for three months. The information on essential services has been summarised through providing printed leaflets by the Red Cross of Serbia in the same year containing telephone numbers for reporting domestic violence and distributed through Red Cross branches to older persons across the country. The Red Cross of Serbia has with INPEA support initiated marking of the World Elder Abuse Awareness Day in Serbia and since 2009 this event has been the nexus of discussion but also information sharing about violence against older persons in the national and international context.

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

The Red Cross of Serbia has been active in providing training for informal caregivers over the past two years, working to ensure lowered risk of burnout among family carers which also contributes to lowered risk of elder abuse. At the same time, the Red Cross of Serbia has been actively working with older women for the past five years, providing information sessions related to the protection of their rights with emphasis on institutional protection from violence, reporting procedures etc. The brochures and leaflets produced by the Red Cross of Serbia have been distributed to older women across the national territory, highlighting the specific risks of violence that are typical for older persons and women and providing clear information on how and where to report the violence. This activity has been supported by the Serbian Ministry of Interior as well. The above quoted regional survey on violence against older women is another good practice example with the Red Cross of Serbia and INPEA being supported by UNFPA and European Union and OECD providing the database which was used in the survey.

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.

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1. <https://www.paragraf.rs/propisi/ustav_republike_srbije.html> [↑](#footnote-ref-1)
2. <https://www.paragraf.rs/propisi/zakon_o_zabrani_diskriminacije.html> [↑](#footnote-ref-2)
3. <https://ravnopravnost.gov.rs/en/> [↑](#footnote-ref-3)
4. <https://www.paragraf.rs/propisi/zakon_o_sprecavanju_nasilja_u_porodici.html> [↑](#footnote-ref-4)
5. <https://www.sigurnakuca.net/sites/default/files/inline-files/LjubicastiTekst.pdf> [↑](#footnote-ref-5)
6. <https://www.redcross.org.rs/media/1670/dobro-cuvana-porodicna-tajna-e-knjiga.pdf> [↑](#footnote-ref-6)
7. <https://www.redcross.org.rs/media/7139/na-nicijoj-zemlji-web-low-res.pdf> [↑](#footnote-ref-7)
8. <https://www.paragraf.rs/propisi/zakon_o_zastiti_prava_na_sudjenje_u_razumnom_roku.html> [↑](#footnote-ref-8)
9. <https://www.mdtfjss.org.rs/data/pub/sjfr/sr/Funkcionalna-analiza-pravosudja-u-Srbiji.pdf> [↑](#footnote-ref-9)