
PROBLEM OF ELDER ABUSE AND ITS IMPLICATIONS UPON WOMEN

Preeti Gupta

*Assistant Professor, Department of Law
North Eastern Hill University Shillong*

ABSTRACT:

Due to increased life expectancy, there has been a surge in the population of the elderly persons across the globe. This has also led to a sharp rise in the incidences of human rights abuse of the elderly. Initially seen as a social welfare issue and subsequently a problem of ageing, abuse of the elderly has developed into a public health and criminal justice concern. Women are more likely to suffer the pain and turmoil of elder abuse than men. This paper focuses its attention towards the problem of elder abuse with its focus on aging women, its consequences and some measures that are required to combat the menace.

BACKGROUND

A worldwide increase in the life expectancy of people has resulted in the increase in the number of elderly along with a major shift in their social and economic status.¹ Most of elderly may never retire in the general understanding of the term and will continue to work as long as physically possible. However, their capacity to produce and earn will decline with age. Within the scope of the duality of need and incapacity, lie dependency and the environment for abuse and neglect of the rights of the elderly. This has raised concerns regarding their abuse and more particularly that of the elderly women. The absence on savings also have a direct impact on the living standards of the aged, which may plummet down and for many of the elderly, it may mean destitution. Therefore, the challenge of old age income security surfaces in India. Some of the main challenges that older persons face in terms of human rights are - discrimination, poverty, violence and abuse as well as the lack of specific measures and services.

¹ The demographic profile depicts that in the years 2000-2050, the overall population in India will grow by 55% whereas population of people in their 60 years and above will increase by 326% and those in the age group of 80+ by 700% - the fastest growing group. 1/8th of the Worlds Elderly Population lives in India.

There is still a significant difference in the needs of men and women who age differently. The problems of elderly women are still more exacerbated by a lifetime of gender based discrimination, which is a result of deep-rooted cultural and social bias. Their position is worsened and gets further compounded by various other forms of discrimination based on class, caste, disability, illiteracy, unemployment and marital status. Patriarchal hierarchy and access to property rights in India are also discriminatory. Traditionally, women have been almost always burdened with household chores for a longer span of time compared to older men. Also older women don't have time for leisure or recreational activity. It is seen that women experience proportionately higher rates of chronic illness and disability in later life than men. They also suffer greater non-communicable diseases and experience lower social and mental health status, especially if they are single and/or widowed.

In recent years, there have been significant advocacy efforts calling for enhanced international thinking and action on the human rights of older persons. Various stakeholders have called for more visibility and increased use of international human rights standards to address the dire situation of millions of older women and men around the world. Older persons are not a homogenous group, and the challenges they face in the protection or enjoyment of their human rights vary greatly. While some continue to lead active lives as part of their community, many others face homelessness, lack of adequate care or isolation.

The above discussion clearly outlines the need for a policy in India that will address issues related to different aspects of ageing of elderly women in particular. Elderly women and their problems need special attention as their numbers are likely to increase in the future and, given the multiple disadvantages they face in life, they are likely to be grossly unprepared to tackle these issues. Problems in any of these areas have an impact on the quality of life in old age and healthcare when it is needed. Increase in life span also results in chronic functional disabilities creating a need for assistance required by the old to manage simple chores.

WHAT IS ELDER ABUSE

The abuse of older people by family members dates back to ancient times. Until the advent of initiatives to address child abuse and domestic violence in the last quarter of the 20th century, it remained a private matter, hidden from public view. Initially it was seen as a social welfare issue and subsequently a problem of ageing. Currently the abuse of elderly has developed into a public health and criminal justice concern. Although elder abuse was first identified in developed countries, where most of the existing research has been conducted, anecdotal evidence and other reports from some developing countries show that it is a universal phenomenon. It is now that elder abuse is being taken far more seriously and reflects the growing worldwide concern about human rights and gender equality, as well as about domestic violence and population ageing.

The term ‘elder abuse’ or mistreatment of older people was first described in British scientific journals² in 1975 under the term ‘granny battering’. The United States Congress first recognized the problem as a social and political issue and it was followed later by researchers and practitioners. The most widely used is the definition of the term ‘elder abuse’ is given by World Health Organisation (2008) which states –

Elder abuse is a single or repeated act or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person.

In simpler terms, abuse of older people is either an act of commission or of omission (in which case it is usually described as ‘neglect’), and that it may be either intentional or unintentional. The abuse may be of a physical nature, it may be psychological (involving emotional or verbal aggression), or it may involve financial or other material maltreatment. In different countries and in different professions, various different definitions of ‘elder abuse’ are used.

² Baker AA. “Granny-battering”. *Modern Geriatrics*, 1975, 5:20–24. Burston GR. “Granny battering”. *British Medical Journal*, 1975, 3:592

Regardless of the type of abuse, it certainly results in unnecessary suffering, injury or pain, the loss or violation of human rights, and a decreased quality of life for the older person. Whether the behaviour is termed abusive, neglectful or exploitative will probably depend on how frequently the mistreatment occurs, its duration, severity and consequences, and above all the cultural context. Such abuse is generally divided into the following categories:

- (a) Physical abuse – the infliction of pain or injury, physical coercion, or physical or drug induced restraint.
- (b) Psychological or emotional abuse - the infliction of mental anguish.
- (c) Financial or material abuse - the illegal or improper exploitation or use of funds or resources of the older person.
- (d) Sexual abuse - non-consensual sexual contact of any kind with the older person.
- (e) Neglect - the refusal or failure to fulfil a caregiving obligation. This may or may not involve a conscious and intentional attempt to inflict physical or emotional distress on the older person.³

Gender has been proposed by as a defining factor in elder abuse on the grounds that older women may have been subject to oppression and economically disadvantaged all of their lives. However, according to community-based prevalence studies, it appears that older men are at risk of abuse by spouses, adult children and other relatives in about the same proportions as women. Although the income of the older person was not a significant factor in a study of the prevalence of elder abuse in the United States, financial difficulties on the part of the abuser did appear to be an important risk factor.⁴ Resentment by family members at having to spend money on the care of the older person may also have played a part in abuse of this nature.

³ This definition of elder abuse has been heavily influenced by the work done in Canada, the United Kingdom and the United States. Studies conducted in China (Hong Kong SAR), Finland, Greece, India, Ireland, Israel, Norway, Poland and South Africa have approached the topic in distinctly different ways. Norwegian researchers, for instance, identified abuse with a “triangle of violence” that includes a victim, a perpetrator and others, who – directly or indirectly – observe the principal players. In countries such as China, that emphasize harmony and respect within society, neglecting the care of an older person is considered an act of elder abuse. If family members fail to fulfil their kinship obligations to provide food and housing, this also constitutes neglect.

⁴ Sometimes this was related to an adult child’s substance abuse problem, leading him or her to extort money, possibly a pension cheque, from the older person.

CAUSES

In most societies, the onset of older age is usually considered to coincide with the age of retirement at 60 or 65 years of age. In most developing countries, however, this socially constructed concept based on retirement age has little significance. Of more significance in these countries are the roles assigned to people in their lifetime. Old age is thus regarded as that time of life when people, because of physical decline, can no longer carry out their family or work roles.

The main reasons behind elder abuse seem to be common. It is seen that women outlive men in nearly all countries of the world, rich and poor. These demographic changes are taking place in developing countries alongside increasing mobility and changing family structures. Industrialization is also eroding long-standing patterns of interdependence between the generations of a family, often resulting in material and emotional hardship for the elderly. The family and community networks in many developing countries that had formerly provided support to the older generation have been weakened and often destroyed, by rapid social and economic change. In the economies of both developed and developing countries, structural inequalities have often been the cause among the general population of low wages, high unemployment, poor health services, lack of educational opportunities and discrimination against women - all of which have tended to make the elderly poorer and more vulnerable. Older people in developing countries still face a significant risk from communicable diseases. As life expectancy increases in these countries, the elderly will be subject to the same long-term, largely incurable and often disabling diseases associated with old age that are currently most prevalent in developed countries. They will also face environmental dangers and the likelihood of violence in their societies. The role of ageism and discrimination against and stigmatization of older people as a possible cause of elder abuse has yet to be properly investigated, although some specialists in the field have suggested that the marginalization of the elderly is a contributory factor. Cross-cultural studies in India may provide an insight in understanding this effect. Clearly there are certain social and cultural factors in other developing countries that are directly linked to abuse, such as a belief in witchcraft and the abandonment of widows. The role of cultural and socioeconomic factors, such as poverty, modernization and inheritance systems, may be

indirect causes of abuse. Other practices which could be important causal factors need to be examined, since there has been no research to confirm the claims.

IMPLICATIONS OF ELDER ABUSE

For older people, the consequences of abuse can be especially serious. Older women are physically weaker and more vulnerable than younger adults, their bones are more brittle and convalescence takes longer. Even a relatively minor injury can cause serious and permanent damage. Many older women survive on limited incomes, so that the loss of even a small sum of money towards health costs can have a significant impact. They may be isolated, lonely or troubled by illness, in which case they are more vulnerable as targets for fraudulent schemes. Very few empirical studies have been conducted to determine the consequences of mistreatment, even though clinical and case study reports about the severe emotional distress experienced by mistreated older people are plentiful. There is some evidence from studies in developed countries to show that a higher proportion of abused elderly people suffer from depression or psychological distress than do their non-abused peers.⁵ Other symptoms that have been proposed as being associated with cases of abuse include feelings of helplessness, alienation, guilt, shame, fear, anxiety, denial and post-traumatic stress. Emotional effects were also cited along with health problems and in the words of one participant, “illness of the heart”.⁶

The impact that physical and psychological violence have on health of an older women is exacerbated by the ageing process and diseases of old age. It is more difficult for the elderly women to leave an abusive relationship or to make correct decisions because of the physical and cognitive impairments that usually come with old age. In some places, kinship obligations and the use of the extended family network to resolve difficulties may also lessen the ability of older women, to escape from dangerous situations. Often, the abuser may be the abused person’s only source of companionship. Because of these and other considerations, preventing elder abuse presents a whole host of problems for practitioners. In

⁵ Phillips LR. Abuse and neglect of the frail elderly at home: an exploration of theoretical relationships. *Advanced Nursing*, 1983, 8:379–382. See also Pillemer KA, Prescott D. Psychological effects of elder abuse: A research note. *Journal of Elder Abuse and Neglect*, 1989, 1:65–74.

⁶ Keikelame J, Ferreira M. Mpathekombi, Ya bantu abadala: Elder abuse in black townships on the Cape Flats . Cape Town, *Human Sciences Research Council* and University of Cape Town, Centre for Gerontology, 2000.

most cases, the greatest dilemma is how to balance the older person's right to self-determination with the need to take action to end the abuse.

LESSONS FROM THER COUNTRIES

The United States is furthest advanced in terms of a national-level response, with a fully developed system for reporting and treating cases of elder abuse. This system operates at the state level, the federal government's involvement being limited to supporting the National Centre on Elder Abuse, which gives technical assistance and a small amount of funding to the states for their elder abuse prevention services. A focus at national level is also provided by the National Committee for the Prevention of Elder Abuse, a non-profit organization formed in 1988, and the National Association of State Adult Protective Services Administrators established in 1989. In Australia and Canada, some provinces or states have set up systems to deal with cases of elder abuse, but no official federal policy has been announced. New Zealand has established a series of pilot projects throughout the country. All three of these countries have national groups. The New Zealand National Elder Abuse and Neglect Advisory Council was formed in the early 1990s to provide a national perspective on strategies for the care and protection of older people. The Australian Network for the Prevention of Elder Abuse was set up in 1998, as a point of contact and information-sharing for those working with older people in abusive situations. In 1999, the Canadian Network for the Prevention of Elder Abuse was created with similar aims - to find ways to develop policies, programmes and services to eliminate elder abuse. Apart from these agencies, individual participation from different levels can help mitigate the effects of elder abuse. All those involved in the care of the elderly have an important role to play so that there are no further violations of the rights of the aged. As discussed below, all stakeholders must come together to prevent occurrence of such instances.

ROLE OF DOCTORS

The medical profession in some Latin American and European countries has played a leading role in raising public concern about elder abuse. Few intervention programmes for abused older people operate in hospital settings. Where these do exist, they are usually consultation teams who are on call in event a suspected case of abuse is reported. Those involved in the

provision of health care have an important role to play in programmes that screen for and detect abuse. While it may be thought that doctors are best placed to notice cases of abuse, partly because of the trust that most elderly people have in them - many doctors do not diagnose abuse because it is not part of their formal or professional training and hence does not feature in their list of differential diagnoses.

MECHANISM OF LAW

Despite a growing interest in the problem, most countries have not introduced specific legislation on elder abuse. Particular aspects of abuse are usually covered either by criminal law, or by laws dealing with civil rights, property rights, family violence or mental health. Specific and comprehensive legislation on the abuse of older people would imply a much stronger commitment to eradicating the problem. However, even where such laws exist, cases of elder abuse have only rarely been prosecuted. This is principally because older people are usually reluctant or unable to press charges against family members, because older people are often regarded as being unreliable witnesses, or because of the inherently hidden nature of elder abuse. As long as elder abuse is viewed solely as a caregiver issue, legal action is not likely to be an effective measure. A National Policy for Senior Citizens has been framed by the Ministry of Social Justice and Empowerment in India in March 2011, where the sad plight of Indian elderly women has been noticed. The focus of this policy is to -

Mainstream senior citizens, especially older women, and bring their concerns into the national development debate with priority to implement mechanisms already set by governments and supported by civil society and senior citizens associations. Support promotion and establishment of senior citizens associations, especially amongst women.

The Maintenance and Welfare of Parents and Senior Citizens Act 2007 in India provides for more effective provision for maintenance and welfare of parents and senior citizens. This Act make it a legal obligation for children and heirs to provide maintenance to senior citizens and

parents, by monthly allowance. This Act also prives simple, speedy and inexpensive mechanism for the protection of life and property of the older persons.⁷

EDUCATION AND PUBLIC AWARENESS CAMPAIGNS

Education and public awareness campaigns have been vital for informing people in industrialized countries about elder abuse. Education involves not only teaching new information but also changing attitudes and behaviour, and is thus a fundamental preventive strategy. It can be conducted in a wide variety of ways - for instance, in training sessions, seminars, continuing educational programmes, workshops, and scientific meetings and conferences. Those targeted will include not only practitioners in the various relevant disciplines - from medicine, mental health and nursing to social work, criminal justice and religion but also researchers, educators, policy-makers and decision-makers. More specialized training courses will concentrate on developing skills in interviewing, assessment of abuse cases, and planning care programmes. Even more advanced teaching from specialists in the field is needed to cover ethical and legal matters. Courses in how to work with other professionals and in multidisciplinary teams have also become part of advanced training curricula on elder abuse. Public education and awareness raising are equally important elements in preventing abuse and neglect. As in public education on child abuse and intimate partner violence, the aim is to inform the general public about the various types of abuse, how to identify the signs and where help can be obtained. People who come into frequent contact with the elderly are a particular target for such education. Apart from family members and friends, they include postal workers, bank tellers, and electricity and gas meter readers. Educational programmes aimed at older people themselves are usually more successful if the information on abuse is woven into wider topics such as successful ageing or health care. Organizations for the elderly, community centres, day-care programmes, schools and self-help and support groups can all help this educational effort.

⁷ A senior citizen including parent who is unable able to maintain himself from his own earning or out of the property owned by him, is entitled to get relief under this Act. Children/grand children are under obligation to maintain his or her parent either father, mother or both. Likewise, relative of a senior citizen is also bound to look after the senior citizen. If such children or relative is not maintaining his parents or senior citizen respectively, then the parents/senior citizen can seek the assistance of Tribunal constituted under this Act, to enforce the remedy of maintenance. Such parents/ senior citizen can file an application before the Tribunal, claiming maintenance and other reliefs from their children/relatives as the case may be.

The media are a powerful tool for raising public awareness. More positive images and a greater prominence for older people in the media can work towards changing attitudes and reducing the stereotyping that exists around the elderly. The participants in the focus group study in South Africa stressed the importance of the media in raising public awareness, suggesting that awareness of the problem of elder abuse should also be promoted through community workshops with government involvement. In other developing countries with limited resources, local associations can provide basic education along with health care. Perhaps the most insidious form of abuse against the elderly lies in the negative attitudes towards, and stereotypes of, older people and the process of ageing itself, attitudes that are reflected in the frequent glorification of youth. As long as older people are devalued and marginalized by society, they will suffer from loss of self-identity and remain highly susceptible to discrimination and all forms of abuse.

GREATER KNOWLEDGE AND RESEARCH

Better knowledge about elder abuse can also help solve the problem. In 1990, the Council of Europe convened a broad-ranging conference on the subject that looked at definitions, statistics, laws and policies, prevention and treatment, as well as the available sources of information on elder abuse.⁸ It recommended that a global working group on elder abuse should be set up to deal with all these subjects. Among other things, such a body could bring together and standardize global statistics, and work out the requirements for a common data-reporting form. With the increasing prevalence of Alzheimer disease worldwide and the greater level of abusive behaviour found in families where a family member suffers from the disease, more attention should be given to the relationship between the caregiver and the care recipient. While it may be obvious that social isolation or lack of support can contribute to abuse or neglect, the sufferers of abuse in these situations are generally unwilling to join programmes that encourage social interaction, such as centres for the elderly or day-care activities. Research on who these victims are and on their situations might produce better solutions.

⁸ Violence against elderly people. Strasbourg, Council of Europe, Steering Committee on Social Policy, 1991.

CONCLUSION

Advances in medical science have ensured that many older people will enjoy longer periods of disability free old age. Diseases will be avoided or their impact lessened through better health care strategies. The resulting large number of older people will be a boon for society, constituting a great reservoir of experience and knowledge. However there is a need to study the precise role of different cultures in elder abuse and a better explanation is warranted timely. New research leading to effective interventions is urgently needed. Studies should be conducted to ascertain how older people can play a greater part in designing and participating in prevention programmes. Greater research is also required on the role of stress among caregivers, which is considered a primary cause of elder abuse. There is need for a greater response to the challenges such as strengthening the international protection regime, elimination of financial exploitation and employment discrimination, establishing adequate care facilities and participation in political life. Once there is awareness regarding the true nature of the problem, then the elderly and in particular - women will not sit idle and watch other women suffer from the effects of abuse in the twilight of their lives.⁹

⁹ OWL Mother's Day Report available on www.owl-national.org/Files/MDR/OWL_Report_2013_Web.pdf. Accessed march 2, 2014.
