

## Older people - Key Literature

### Australia

#### **Australian Law Reform Commission, [Elder Abuse – A National Legal Response, Report No 131 \(2017\)](#).**

This report provides a comprehensive analysis of elder abuse in Australia. It defines elder abuse broadly as an act or omission occurring within a relationship 'where there is an expectation of trust, which causes harm or distress to an older person' (p 19). Elder abuse may include physical abuse, psychological abuse, financial abuse, sexual abuse, and neglect (p 19).

Those who have 'significant disability; poor physical health; mental disorders, such as depression; low income or socioeconomic status; cognitive impairment; and social isolation' and those who live alone with the perpetrator and are older than 74 years, are particularly vulnerable, and women are more at risk than men (p 20). Risk factors for perpetrators of elder abuse include depression, substance abuse, and financial and emotional dependence (p 20). While elder abuse may be inflicted by paid carer and other people known to the victim, it is often perpetrated by a family member, and therefore often also constitutes family or domestic violence (p 20).

The current criminal justice response is discussed in Chapter 13 (from p 363). The report concludes that current provisions adequately address elder abuse, without the addition of new offences. However, the report does consider other ways in which the criminal justice response may be improved, through improved police responses (p 370), and assisting 'vulnerable witnesses' (p 373)

#### **Bagshaw, Dale, Sarah Wendt and Lana Zannettino, ['Preventing the Abuse of Older People by their Family Members'](#) (Stakeholder Paper 7, Australian Domestic and Family Violence Clearinghouse, 2009).**

This paper provides a thorough overview of literature and issues in this area. For example it identifies that older people face barriers reporting abuse including: diminished cognitive capacity; mental or physical disability; restricted mobility; lack of awareness of what constitutes abuse; lack of knowledge of their rights or resources; social isolation or fear of alienation; the need to preserve a relationship; dependency; stigma and shame; literacy and language barriers; religious, generational and cultural barriers; fear of reprisal; and perceived or actual lack of options or access to services.

The authors note that definitions of elder abuse are diverse (p 3). Physical abuse can include being hit, sexually assaulted, burned or physically restrained; psychological abuse can include humiliation, insults, fear, or being treated like a child; neglect can include 'passive neglect', which refers to older people being left alone, isolated, or forgotten, and 'active neglect', which is the withholding of items that are necessary for daily living; medical abuse can include the inappropriate use of constraints and withholding or careless administration of drugs; social abuse can involve a failure to provide human services and involuntary social isolation; financial abuse can include misuse of property or money, theft, forced entry into a nursing home, financial dependence and exploitation. Australian researchers have found that the most common form of abuse in this context is financial abuse.

Australian research has found the most common perpetrators are the older person's adult daughter or son (p 3).

This report discusses the gendered nature of the abuse of older people (pp 5-6): women tend to live longer, are less likely to have access to superannuation, they may fall in the gap between the domestic violence sector and the ageing sector. Domestic violence against older people is often 'spouse abuse grown old', following the typical pattern in which perpetrators were overwhelmingly male.

**Dean, Adam, *Elder abuse: Key issues and emerging evidence* (CFCA Paper No. 51 – June 2019, Australian Institute of Family Studies).**

Elder abuse is a multifaceted and often hidden form of abuse. There is currently no national data on the prevalence of elder abuse in Australia. Based on international studies, it is estimated that between 2% and 14% of older people in high- or middle-income countries experience elder abuse every year. The term 'elder abuse' covers a range of harmful behaviours, including physical, emotional, sexual and financial abuse and neglect.

This paper provides an overview of elder abuse in Australia. It discusses key issues involved in how elder abuse is defined and examines its prevalence, impact and associated risk factors, with a focus on implications of recent research for policy and practice. The Appendix contains a useful table setting out risk factors associated with different forms of abuse.

**Department of Health (SA), *Strategy to Safeguard the Rights of Older South Australians 2014–2021* (2014).**

Identifies various forms of elder abuse but also adds 'Substance (or chemical) abuse' which is any misuse of drugs, alcohol, medications and prescriptions, including the withholding of medication and over-medication. Notes that between 2007 and 2012, the most common reported forms of elder abuse were psychological and financial, often occurring at the same time, and carried out by people who are most trusted by the victim (p 15). Identifies a series of risk factors that can make older people more vulnerable to

experiencing abuse (pp 18-20), including: ageism; dependency; family dynamics and living arrangements; gender; financial/economic hardship; carer stress; dementia or cognitive impairments; social isolation; substance abuse; older people from culturally and linguistically diverse communities; Aboriginal Elders; those with mental health or psychological conditions.

**Fileborn, Bianca, 'Sexual assault and justice for older women' [2016] *Trauma, violence and abuse* 1.**

This article provides a review of literature on the sexual assault of older women—including an exploration of the specific features and emotional and physical impacts of older women's experiences. The literature review indicates there is evidence to suggest that existing research underestimates the extent of this issue. Older women face particular barriers to disclosure and accessing the justice system, resulting in their experiences remaining hidden. Many of these barriers also contribute toward older women's experiences being ignored, dismissed, or downplayed by potential bystanders. These barriers are explored in depth in this article and include cultural context, ageism, cognitive and health impairments, and living in a residential care setting.

**Kaspiew, Rae, Rachel Carson and Helen Rhoades, 'Elder abuse: Understanding issues, frameworks and responses' (Report, Australian Institute of Family Studies, 2016).**

- 'This report provides a broad analysis of the issues raised by elder abuse in the Australian context. Elder abuse—which involves the physical, emotional, sexual or financial abuse or neglect of an older person by another person in a position of trust—presents a range of complex challenges for the Australian community ... Fundamentally a human rights issue, responses to the management and prevention of elder abuse sit within a range of complex policy and practice structures across different levels of government, and various justice system frameworks within the private sector and across non-government organisations'. The report notes that in this way the management of elder abuse has similar features to family and domestic violence, sexual assault and child protection, and that calls have been for the introduction of a comprehensive, national approach to elder abuse.
- 'The report first considers definitional issues in relation to elder abuse and what is known about prevalence and incidence, risk and protective factors and the dynamics surrounding disclosure and reporting. It then sets out some evidence on the demographic and socio-economic features of the Australian community that are relevant to understanding social dynamics that may influence elder abuse. Section 6 outlines some of the features of the systemic structures that intersect with elder abuse and section 7 considers prevention. Section 8 discusses international approaches'.
- Definition of elder abuse from Australian Network for the Prevention of Elder Abuse in 1999: 'any act occurring within a relationship where there is an implication of trust, which results in harm to an older person. Abuse may be physical, sexual, financial, psychological, social and/or neglect' (p.2). Risk factors include cognitive impairment or other disability, social isolation and traumatic life events (pp.7-

9). The report also examines in detail available research relating to particular types of elder abuse namely financial abuse, and sexual abuse (pp.10-11).

**Kaspiew, Rae, Rachel Carson and Helen Rhoades, 'Elder abuse in Australia' [2016] (98) *Family Matters* 64.**

'This article provides an overview of the prevalence and nature of elder abuse in Australia. Topics include: What is elder abuse?; The prevalence and dynamics of elder abuse; Risk factors and consequences; Particular types of elder abuse; and Disclosure and reporting. Prevention opportunities and frameworks are also considered'.

**Lacey, Wendy, 'Neglectful to the Point of Cruelty? Elder Abuse and the Rights of Older Persons in Australia' (2014) 36 *Sydney Law Review* 99.**

This article reports on available data that indicates between two and five per cent of Australians over the age of 65 have experienced abuse, that up to 80 per cent of perpetrators are family members of the victims (the large majority being their children), that financial and psychological abuse are the most common forms of abuse, and that women are twice as likely to be victims of abuse' (p 100). This article presents and discusses three case studies. The article also identifies that the most vulnerable age for abuse is between the ages of 75 and 85 and women are twice as likely to be abused as men.

**Melanie Joosten, Freda Vratsidis and Briony Dow, 'Understanding Elder Abuse: A Scoping Study' (University of Melbourne and National Ageing Research Institute, June 2017).**

This report conducts a detailed discussion of elder abuse, focussing on abuse that occurs within families. The large range of definitions of elder abuse may have a significant impact on prevalence estimates (p 11). Victims of elder abuse suffer significant negative consequences, including 'decreased quality of life, morbidity and mortality ... depression, anxiety, fear, feelings of unworthiness and other psychological stress, substance addiction and suicide' (p 11). Within families, elder abuse often occurs across generations, with the victim often a parent, and the perpetrator often an adult child, and like other forms of family violence, women are over-represented as victims (p 11). Elder abuse is likely to go unreported (p 11-12).

While conceptualisations of elder abuse have traditionally focussed on older people as dependent (p 13), the report argues that responses to elder abuse must consider 'the behaviour and motivations of the perpetrator, the complexities of the relationship between the older person and the perpetrator, and the influence of the society and systems within which they operate' (p 13). This discussion must include the intersections between elder abuse and other issues (p 14), such as family violence and conflict (pp 14-6), caring for the elderly (pp 16-7), gender and sexuality (pp 17-8), and cultural diversity (pp 18-9). It is argued that the best approach to engage with this multifaceted issue is an applied ecological approach, which

‘considers the risk factors of the individual, the perpetrator, their mutual relationship, and their respective positions within community and society’ (from p 19). The report also provides a summary of risk factors for perpetrators (p 23), and reviews useful interventions, including approaches that focus on the older person, on the perpetrator, and on family relationships (from p 26).

### **Victorian Royal Commission into Family Violence ([Volume 5, 2016](#)).**

The Report discusses family violence in the context of older people in Volume 5, Chapter 27. The report states that, in some ways, “family violence experienced by older people is no different to that experienced by younger people”. However, there are unique characteristics that warrant a tailored response. For example, “while women are over-represented as victims in prevalence data, the proportion of older men who experience family violence is higher than for younger men. Older people can also be at particular risk of economic or financial abuse. The perpetrator is often the victim’s son or daughter.” (p 67). See pp 68-70 for detailed data in relation to the prevalence of elder abuse. See pp 71-73 for submissions on the impact of violence on older people. The report also discusses the response of the justice system (p 76), barriers for older persons to report abuse (pp 80-81) and the benefits of restorative justice in this context (p 81).

### **Zannettino, Lana, Dale Bagshaw and Sarah Wendt ‘The Role of Emotional Vulnerability and Abuse in the Financial Exploitation of older People From Culturally and Linguistically Diverse Communities in Australia’ (2014) 27(1) *Journal of Elder Abuse and Neglect* 74.**

This article considers the particular vulnerability of older people from culturally and linguistically diverse (CALD) communities to domestic violence. In particular the authors note that the literature suggests that older people from CALD communities are particularly vulnerable to financial abuse and exploitation due to their dependency on others for translation, financial transactions, and services’ (p 75). As CALD groups tend to rely on their children to help them manage money (p 78) this also increases their vulnerability to abuse (p 78).

### **International**

### **Bows, Hannah and Nicole Westmarland, ‘[Rape of Older People in the United Kingdom: Challenging the ‘Real-Rape’ Stereotype](#)’ (2017) 57 *British Journal of Criminology* 1-17.**

While advances have been made in understanding sexual violence broadly, this article addresses the gap in knowledge regarding older victims of rape and sexual violence (p 5). In order to do so, the researchers used freedom of information requests to obtain data from 45 police forces relating to 655 cases (p 6). The findings challenge dominant real-rape stereotypes, which involve a 'white, young victim who is attacked at night by a stranger who is motivated by sexual gratification' (p 3), and can lead to older victims of sexual violence being ignored or disbelieved (pp 3-4). Key findings include:

- > The 'overall number of reported offences involving an older victim was low when compared with younger age groups' (p 6);
- > Consistent with existing knowledge on younger groups, most victims were female, and most perpetrators were male (pp 7-8);
- > Perpetrators of sexual violence against older people were likely to be younger than their victims, with the majority under 60 years of age (p 8);
- > Most perpetrators were known to the victim, with around 20% being a partner or husband (p 9); and
- > Most of the assaults occurred in the victim's home (p 9).

**Laura Mosqueda, Theresa Sivers-Teixeira and Stacey Hirst, 'Recognizing Elder Mistreatment: A Guide for Courts' (2017) 53(2) Court Review: The Journal of the American Judges Association 54-61.**

This article considers the elements of elder abuse, and how increased knowledge can enhance legal responses (p 54).

- > Older people may be prone to bruising and other injuries, which can mask abusive behaviours (pp 55-6), and frailty, which can make them more vulnerable to abuse, and less able to recover from illness and trauma (p 58).
- > Many older people require medications, which may be used as a tool of control, through overuse, underuse, and misuse (p 58).
- > Older people are often viewed as asexual, which has resulted in sexual abuse among older people being 'one of the least acknowledged, detected, and reported forms of elder abuse' (p 60).
- > Older people often experience decreased 'visual and auditory acuity', which can contribute to their vulnerability (p 57). Special measures should be taken in the courtroom to help older people engage with proceedings, such as providing additional light and magnification, reading things aloud, and speaking loudly and clearly (p 57).
- > It can be difficult to assess an older person's cognitive ability and decision-making capacity while respecting their autonomy, and judges should therefore be aware of how cognition and capacity may impact an older person's decisions (pp 59-60).
- > Judges should be aware of the complexity and multi-faceted nature of elder abuse, and draw on a

range of experts with particular knowledge of the aging process, to fully understand the circumstances (p 61)

**Roberto, Karen, 'The complexities of elder abuse' (2016) 71(4) *American Psychologist* 302-311.**

This article summarises current understandings of elder abuse, 'including what constitutes elder abuse, risk factors for elder abuse, perpetrators of elder abuse, and outcomes of elder abuse' (p 302). Research indicates that at least 10% of older adults in the United States experience elder abuse, and researchers 'consistently assert that a dramatic discrepancy exists between the actual prevalence of elder abuse and the number of elder abuse cases' known to authorities and service providers (p 302). While there 'is no consensus on the definition of elder abuse', most definitions recognise five types of abuse: physical abuse, sexual abuse, psychological and emotional abuse, financial abuse, and neglect (p 303). A range of interacting factors may contribute to a person's vulnerability to elder abuse, including 'age, gender, race, ethnicity, living arrangements, cultural beliefs and values, as well as physical and cognitive impairments, social isolation, and loneliness' (p 303). The article considers these risk factors in detail. Victims of elder abuse 'typically know their perpetrators, who are usually family members' (p 305). 'Elder abuse, in all its forms, has a profound impact on the health and psychological well-being of late-life victims. Although some markers of elder abuse are instantly obvious, such as injuries ranging from bruises and sprains, to broken bones and lost teeth, to severe brain trauma, older victims often experience numerous adverse health effects that may not be immediately evident and persist long after the abuse has stopped' (p 306).

**Roberto, Karen A, Brandy Renea McCann and Nancy Brossoie, 'Intimate Partner Violence in Late Life: An Analysis of National News Reports' (2013) 25(3) *Journal of Elder Abuse and Neglect* 230.**

The authors identified the types of intimate partner violence (IPV) among elders reported most frequently in national newspapers and examined how the abuse was conceptualized by reporters. They found that most reported cases involved murder, with men as perpetrators and women as victims. Caregiving stress and health problems were frequently cited as contributing factors in the cases.

In relation to older perpetrators of intimate partner violence, see especially:

- > p233 discusses older men and women's gendered approaches to caregiving in later life, noting that older men 'tended to prioritize the job of caregiving over their wives' feelings'
- > '[M]en sometimes "enforced compliance" (p522), such as using force or coercion to get their wives to take a shower, or "active restraint" (p522), such as one man buckling his wife into their car to prevent her from wandering while he mowed the lawn' (p233)
- > findings suggest that as stressors increase for older people (eg multiple health problems), gendered behaviours may amplify, particularly in older men who may seek to take control of problematic

situations, resulting in instances of IPV (p233).

**Swanson Ernst, Joy and Tina Maschi, 'Trauma-informed care and elder abuse: a synergistic alliance' (2018) 30(5) *Journal of Elder Abuse & Neglect* 354-367.**

This article provides a comprehensive analysis of elder abuse - a problem in which one or more traumatic or stressful life experience directly affect older adults, their families and communities. The article demonstrates how knowledge about the causes, consequences and responses to elder abuse can be integrated with the principles of trauma-informed care to improve agency and community responses to preventing or intervening with elder abuse and neglect. To address the ongoing problems with detection and treatment of elder abuse, the authors believe that integrating trauma and elder abuse informed care in organisational services and policies would address many of these concerns. The authors briefly review current knowledge about the causes and consequences of life course trauma and elder abuse (pages 2-4). They then detail the principles and practices of trauma-informed care and how it can form a synergistic alliance with the prevention and intervention efforts across the life course.

**World Health Organisation, [Elder Abuse](#) (WHO, 2020).**

This website contains links to fact-sheets, relevant publications and data published by the World Health Organisation (WHO) in relation to elder abuse. The information on the front page of the site states: 'Elder abuse can be defined as "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". Elder abuse can take various forms such as financial, physical, psychological and sexual. It can also be the result of intentional or unintentional neglect.'

'Based on available evidence, WHO estimates that 15.7% of people 60 years and older are subjected to abuse. These prevalence rates are likely to be underestimates as many cases of elder abuse are not reported. Globally the numbers of people affected are predicted to increase as many countries are experiencing rapidly ageing populations.'