



Abuse of elder people

Priya¹, Dr. Simranjeet Kaur²

¹ Research Scholar, CT University, Ludhiana, Punjab, India

² Principal, School of Law, CT University, Ludhiana, Punjab, India

Abstract

The abuse of older people, also known as elder abuse, is an intentional act, or failure to act, by a caregiver or another person in a relationship involving an expectation of trust that causes harm to an adult 60 years and older. Around 1 in 6 people 60 years and older experienced some form of abuse in community settings during the past year. Rates in institutional settings, such as nursing homes and long-term care facilities, are higher still, with 2 in 3 staff reporting that they have committed abuse in the past year. Even if rates remain constant, the absolute number of older people experiencing abuse is predicted to increase as the global population of older people increases. Abuse of older people can lead to serious physical injuries and long-term psychological consequences, increased risk of nursing home placement, use of emergency services, hospitalization, and premature death.

Keywords: emotional abuse, physical abuse, criminal procedure

Introduction

Elder abuse is a common problem with complex psychosocial and medical considerations. In general, elder abuse is considered a direct action, inaction, or negligence toward an older adult that harms them or places them at risk of harm either by a person in a position of presumed trust or by an outside individual targeting the victim based on age or disability. Elder abuse breaks down into five categories. These categories include physical abuse, emotional or psychological abuse, sexual abuse, financial exploitation, and neglect. While elder abuse is described in categories, victims often suffer from multiple forms of abuse simultaneously.

Most victims of abuse are women, but some are men. Likely targets are older adults who have no family or friends nearby and people with disabilities, memory problems.

Abuse can happen to any older adult, but often affects those who depend on others for help with activities of everyday life—including bathing, dressing, and taking medicines. People who are frail may appear to be easy victims.

Types of Elder Abuse

Financial exploitation

Also known as financial abuse, this type of mistreatment can involve scams, fraud, coercion, theft, or improper use of a senior's money, property, or other valuable resources. It affects about 1 in 18 cognitively healthy, non-institutionalized seniors every year. However, the prevalence rate among all seniors may be much higher than that. Essentially, financial exploitation of an elderly person is any intentional act in which a perpetrator improperly reaps financial benefits at the expense of a victim's livelihood or well-being.

Neglect

This type of abuse happens when a vulnerable senior is deprived of essential necessities like food, water, medical treatment, proper clothing, or a safe, clean, and comfortable living environment. Neglect in the elderly is often

intentional, perpetrated as a way to exert power, push a senior toward an earlier death, or coerce a senior into signing away his or her financial assets. But neglect can also happen unintentionally as a result of caregiving failures caused by factors like improper training, a lack of resources, or mental or physical problems that impact a caregiver's ability to do his or her job.

Emotional abuse

Also known as psychological abuse, this kind of mistreatment harms a senior's mental health. Perpetrators may ridicule, humiliate, blame, yell at, or threaten their victims. Or they may employ more passive-aggressive tactics like shunning their victims, holding back affection, or remaining silent and disinterested in the face of pleas for help or attempts at reconciliation. Emotional abuse is sometimes used as a way to bully and pressure a senior into doing something that is against his or her wishes or best interests.

Physical abuse

Wilful infliction of bodily pain or injury can happen to almost any senior, especially a vulnerable elder. Physical abuse can take many forms: Pushing, slapping, punching, choking, kicking, pulling hair, and burning are just a few examples. It can also take the form of a perpetrator inappropriately restraining or imprisoning a victim. And some perpetrators of physical abuse give their victims incorrect or improper doses of medications, which can lead to harmful (and sometimes fatal) side effects.

Sexual abuse

Some seniors are raped, molested, or forced to participate in activities of a sexual nature without their consent. Even a conversation about sex can be considered abusive if a senior is uncomfortable or unwilling to engage in the discussion and can't get out of the situation. Sexual abuse also happens to seniors who aren't capable of giving consent, such as those who have dementia or other conditions that make them mentally or physically incapacitated.

Abandonment

Many people consider abandonment to be a form of neglect. Indeed, it could probably be classified as extreme elderly neglect. It goes beyond family estrangement. Perpetrators will intentionally desert vulnerable seniors who depend on their care, leaving them with little or no assistance—often for long stretches of time. Abandonment can greatly erode a senior's health and well-being; it can even lead to premature death. Some perpetrators have taken their victims to entirely different states and abandoned them in completely unfamiliar places where they have no support.

Self Neglect

Any persons neglecting themselves by not caring about their own health, well-being, or safety. Self-neglect (harm by self) is treated as conceptually different than abuse (harm by others). Elder self-neglect can lead to illness, injury, or even death. Common needs that older adults may deny themselves or ignore include the following: sustenance (food or water); cleanliness (bathing and personal hygiene); adequate clothing for climate protection; proper shelter; adequate safety; clean and healthy surroundings; medical attention for serious illness; and essential medications. Self-neglect is often created by an individual's declining mental awareness or capability. Some older adults may choose to deny themselves some health or safety benefits, which may not be self-neglect. This may simply be their personal choice. Other responsible individuals must honor these choices if the older adult is sound of mind. In other instances, the older adult may lack the needed resources, as a result of poverty, or other social condition.

Legal protection against the Elder Abuse under Indian Constitution

After understanding the concept of elder abuse, its categories and issues faced by the elders, it is important to be acquainted with the legal framework mechanized for them. There are few constitutional provisions and laws which offer protection to safeguard the rights of elders and prevent their abuse. Part IV of the Constitution. i.e. the Directive Principles of State Policy (DPSP) is one such framework that seeks to protect the interests of the older. Furthermore, although not explicitly stated as a Fundamental Right, the judiciary reads the rights of the elderly as a facet of Article 21 of the Constitution. Below are such provisions ensuring safeguard to the older:

Provisions under DPSP

1. Article 38 (1)

Article 38(1) enjoins, “*the State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice social, economic and political, shall inform all institutions of the national life*”. It further stipulates that the State should endeavour to minimize the inequalities in status, facilities and opportunities.

2. Article 39(e)

Article 39(e) requires the State to secure that, —“ *the health and strength of workers, men and women and children of tender age are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their area of strength*”. To achieve these goals, the State provides pensions as a monetary benefit to former employees so that they can live a meaningful life with dignity.

3. Article 41

Article 41 provides that, “*the State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want*”.

Legislations and policies protecting the rights of Elders

▪ Hindu Adoption and Maintenance Act, 1956

The act empowers elderly people with a legal right to claim maintenance from their children. It further stipulates that it is the responsibility of a person to maintain their old aged parents in the event they are unable to maintain themselves. It is important to note that the said law of 1956 is applicable to Hindus only. Similar laws are found in Muslim laws, Christian laws, and even Parsi laws.

▪ The Code of Criminal Procedure, 1973

The Criminal Procedure Code is a secular law which is applicable to every citizen of the country. Section 125 of the Criminal Procedure Code allows maintenance to parents and wife which indirectly covers the interim maintenance of elder parents ensuring the economic security of the elders. To claim maintenance under this law, it is necessary to prove that the parents are neglected and do not have sufficient means of income to maintain themselves.

▪ The Maintenance and Welfare of Parents Act, 2007

Up until 2007, there was no special or separate legislation exclusively addressing the issues faced by elders. The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 seeks to make it a legal obligation for children and heirs to provide sufficient maintenance to senior citizens, and proposes to make provisions for state governments to establish old age homes in every district.

▪ National Policy for Older People, 1999

The Policy was launched by the Ministry of Social Justice and Empowerment in the year 1999 to improve the situations of the older citizen of the society. This policy was established in pursuance of Article 41 of the Constitution which mandates the state to look after the well-being of the older person. The National Policy seeks to assure older persons that their concerns are national concerns and they will not live unprotected, ignored or marginalized. The goal of the National Policy is the wellbeing of older persons. It aims to strengthen their legitimate place in society and to help them to live the last phase of their life with purpose, dignity, and peace. The policy provides that the State will extend support in terms of financial security, health care, shelter, welfare and other needs of older persons, provide protection against abuse and exploitation, make available opportunities for the development of the potential of older persons, seek their participation, and provide services to improve the quality of their lives.

▪ Indira Gandhi National Old Age Pension Scheme

Ministry of Rural Development of India has introduced Indira Gandhi National Old Age Pension Scheme (IGNOAPS) under the National Social Assistance Programme (NSAP) in the year 2007. This scheme provided central assistance by providing pension of Rs. 200/- per month to persons above 60 years of age and Rs. 500/- per month to persons above 80 years of age who belong to

households below the poverty line. The State Government is also under the obligation to provide benefits to the senior citizens. Accordingly, the State Government of Maharashtra, under Shraavan Bal Seva Rajya Nivrutti Etan Yojana provides Rs. 400 to the citizens who are eligible for the scheme.

▪ **National Programme for the Health Care for the Elderly**

The National Programme for the Health Care for the Elderly is an articulation of the International and national commitment of the Government as envisaged under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), National Policy on Older Person (NPOP) adopted by the Government of India in 1999 and Section 20 of "The Maintenance and Welfare of Parents Act, 2007" dealing with provisions for medical care of Senior Citizen. The main objective of the programme is to provide preventive, curative and rehabilitative services to the elderly persons at various level of health care delivery system of the country.

Risk Factors

Various risk factors increase the likelihood that an elderly person will become a victim of elder abuse, including an elderly person who

- Has memory problems (such as dementia)
- Has a mental illness, either long-standing or recent.
- Has physical disabilities.
- Has depression, loneliness, or lack of social support.
- Abuses alcohol or other substances.
- Takes prescribed medications that impair judgment.
- Is verbally or physically combative with the caregiver.
- Has a shared living situation.
- Has a criminal history.

Several other risk factors increase the likelihood that a caregiver will participate in elder abuse, including a caregiver who

- Feels overwhelmed or resentful.
- Has a history of substance abuse or a history of abusing others'
- Is dependent on the older person for housing, finances, or other needs.
- Has mental health problems.
- Is unemployed
- Has a criminal history
- Has a shared living situation

Signs of elder abuse

- Lacks medical aids such as glasses, walker, hearing aids.
- Displays signs of emotional trauma.
- Broken eyeglasses/frames, or physical signs of punishment or being restrained.
- Displays signs of insufficient care or unpaid bills despite adequate financial resources.
- Broken bones
- Poor physical appearance
- Changes in mental status
- Frequent infections
- Bruising, scratches, welts, or cuts.
- Unexplained weight loss
- Refusal to speak
- Signs of dehydration
- Lack of cleanliness

The health consequences of elder abuse are serious. Elder abuse can destroy an elderly person's quality of life in the forms of

- Declining functional abilities
- Increased dependency, sense of helplessness, and stress.
- Worsening psychological decline
- Premature mortality and morbidity
- Depression and dementia
- Bedsores
- Death
- Most physical wounds heal in time. But elder abuse can lead to early death, harm to physical and psychological health, destroy social and family ties, cause devastating financial loss, and more.
- Any type of mistreatment can leave the abused person feeling fearful and depressed. Sometimes, the victim thinks the abuse is his or her fault. Adult protective service agencies can suggest support groups and counselling that can help the abused person heal the emotional wounds.

Prevention

Many strategies have been implemented to prevent abuse of older people, take action against it and mitigate its consequences. Interventions that have been implemented – mainly in high-income countries – to prevent abuse include:

- public and professional awareness campaigns
- screening (of potential victims and abusers)
- school-based intergenerational programmes
- caregiver support interventions (including stress management and respite care)
- residential care policies to define and improve standards of care
- caregiver training on dementia
- money management programmes
- multidisciplinary teams.

Conclusion

Elder abuse is a knowing, intentional, or negligent act by a caregiver or any other person that causes harm or a serious risk to a vulnerable adult. Elder abuse includes physical, emotional, or sexual harm inflicted upon an older adult, their financial exploitation, or neglect of their welfare by people who are directly responsible for their care. In America, more than half a million reports of elder abuse reach authorities every year, and millions more cases go unreported. As older adults become more physically frail, they're less able to take care of themselves, stand up to bullying, or fight back if attacked. Mental or physical conditions can make them more frustrating companions for those who live with them. And they may not see or hear as well or their cognitive processes are slower, leaving openings for devious people to take advantage of them. Elder abuse tends to take place where the senior lives: where their abusers are often adult children, other family members such as grandchildren, or a spouse or partner.

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