

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

### 1. Legal, policy and institutional frameworks

**A:** Portugal does not have a non-discrimination law that specifically prohibits discrimination based on age. However, the Constitution provides some level of protection specifically to older persons by defining, in article 72/1, that “*Older persons have the right to economic security, housing and family and community living that respect their personal autonomy and avoid and overcome social isolation or marginalisation.*” Then, article 72/2 establishes that the “*public policy for older persons includes economic, social and cultural measures to provide older persons with opportunities for personal fulfilment through active participation in community life.*”

In what concerns legislation on violence, there are several criminal offences which are aggravated in cases where they are perpetrated against a person considered to be particularly vulnerable by reason of age.

This is true, for example, in cases of murder where the penalty is 8 to 16 years of imprisonment, while in cases of aggravated murder, the penalty is 12 to 25 years of imprisonment.

In what concerns domestic violence, besides the contexts of intimate (romantic) relationships or former relationships, independently on age, the Portuguese Criminal Code also foresees the situations of violence perpetrated against persons considered to be defenceless or vulnerable due to, among other characteristics, age. However, law requires that the offender and victim live together leaving out many cases of violence against older persons perpetrated by family members or other close persons who do not live with them but visit them often. In these cases, the protection and other mechanisms available for victims of domestic violence are not afforded to the victims.

There is also no specialised independent body that receives complaints of discrimination based on age. Besides the Portuguese Ombudsman there are two specialised bodies that deal with discrimination complaints: the Commission for Citizenship and Gender Equality and the Commission for Equality and Against Racial Discrimination. Even though these commissions

receive and respond to complaints posed by persons of all ages, they focus on discrimination based on gender and race, respectively, and not on the matter of ageism.

Finally, there is also no specific national plan, policy or strategy to address violence against older persons.

## 2. Manifestations of violence

- A:** According to prevalence studies and the cases of victims supported by APAV, the most common forms of violence against older persons in Portugal are psychological violence (threats, manipulation, isolation, infantilizing treatment, and others); physical violence; economical violence (embezzlement, use of retirement pensions, debit or credit cards); neglect (absence of care, wrong administration of medication); and abandonment.

In what concerns the prevalence of each of these forms of violence, we recommend the consultation of the following cross-country study that involves Portugal and are presented in English: Soares J. J. F, Barros H, Torres-Gonzales F, Ioannidi-Kapolou E, Lamura G, Lindert J, Luna J. D, Macassa G, Melchiorre M. G, Stank M. (2010). [Abuse and Health among Elderly in Europe](#).

As part of its work, APAV collects statistics on its activity of providing support to victims of crime, which include an annual report and thematic reports. One of these regular thematic reports is dedicated to violence against older persons and the last one relates to the data collected between 2013 and 2020. According to this report, the settings of violence are mainly the common residence of the victim and the perpetrator (53% of the cases) and the residence of the victim (28,3%). However, it is known that there is also violence perpetrated in institutional settings, even though it is a much more difficult setting to reach.

## 3. Intersectionality

- A:** According to the previously mentioned statistics' report from APAV, 73,29% of the older persons victims of crime supported by APAV between 2013 and 2020 (T=6.199), were women. This clearly shows that older women are more frequently victimized which is confirmed by other prevalence reports.

There is no detailed information available on other specific groups of older persons as victims

of violence.

#### 4. Data

**A:** As already mentioned, APAV publishes the statistics reports of its activity annually and these reports concern all APAV's services scattered over the country.

According to these reports, between 2013 and 2020, APAV provided support to 8.458 older persons victims of crime.

Other surveys on violence include the study “Aging and Violence” (*Envelhecimento e Violência*), conducted between 2011 and 2014, by the National Institute of Health Ricardo Jorge and partner entities, including APAV. With a sample of 1.123 older persons, the project estimated that 12,3% of the population aged 60 and over was victim of at least one violent conduct by a family member, friend, neighbor or professional caregiver. The results of this investigation were published in Portuguese but the English summary can be found [here](#).

Even though this study, and the one mentioned in the answer to Q. 2 are of great importance to better understand the prevalence of the phenomena, they were conducted several years ago and new studies should be implemented in order to better comprehend the extent of the issue and create more and better public policies and legislation to prevent it.

#### 5. Access to justice

**A:** Article 20 of the Portuguese Constitution establishes that everyone has the right to access the courts to defend their rights and legally protected interests. This article also mentions that the access to courts cannot be denied by reason of insufficient economic means.

Law no. 34/2004, from 29<sup>th</sup> of July, establishes the system of access to law and courts, recognizing that no one should be prevented to access them for their social or cultural condition and/or economic means. Within this system, the State must guarantee the right to legal information, legal consultation (preliminary assessment the legal basis for the claim for the appointment of lawyer), and legal assistance that includes several options, for example, the total or partial exemption of payments of judicial fees and the appointment and payment of a lawyer.

No special legislation exists to guarantee older persons' right to access justice.

## 6. Access to information

**A:** In what concerns violence against older persons, the information provided to victims, as well as raising awareness initiatives, come mostly from civil society.

APAV has launched several campaigns on violence against older persons, namely on the different types of violence and how to identify it, as well as on the importance of reporting situations of violence against older persons that one might be aware of. These campaigns can be consulted in APAV's website: [https://apav.pt/apav\\_v3/index.php/pt/a-media](https://apav.pt/apav_v3/index.php/pt/a-media).

## 7. Good practices

**A:** In Portugal, there are many initiatives and good practices targeting older persons, specially to combat social isolation.

Some examples of these practices are the Ministry of Internal Affairs' programme named "Support 65 - Older Persons in Safety". This programme aims at guaranteeing that older persons are safe, at promoting information on the work of police authorities, and contributing to the prevention of risk situations. Within this programme, the National Republican Guard (*Guarda Nacional Republicana - GNR*) and the Public Security Police (*Polícia de Segurança Pública - PSP*), have especially trained law enforcement agents that make contact and map older persons living alone or in isolated areas. In the 2021 census, GNR identified 44.484 older persons in these situations, reporting these to the necessary services, mostly social and health services.

As previously mentioned, APAV provides both generic and specialised support to victims of all crimes, including older persons victims of any type of violence. Besides, the direct intervention with older persons who were victimised, APAV works closely in each area where its services are established with judicial, health, social and education authorities, and other civil society organisations in order to fulfil the victims' needs.

Additional to this and the raising awareness campaigns mentioned previously, APAV has been implementing a project, together with the Caloust Gulbnekian Foundation, related to



violence against older persons named Older Portugal (*Portugal Mais Velho*). In the first phase of this project (January 2019 - October 2020), APAV consulted 81 experts and 38 older persons, in order to better understand the difficulties faced by the State, families and communities in what concerns violence against older persons. The result of this phase of the project was the publication of a report that contained a reflection on several issues related to the topic, a critical analysis of the existing law and public policies, the enumeration of several national and international good practices, as well as 30 recommendations for further action of public and governmental authorities. The recommendations and the report's executive summary were published in English and can be found [here](#).

A second phase of this project started in February 2022 and it aims at providing training to caregivers on the identification, prevention and combat of violence against older persons - one of the gaps identified in the previous phase. At the time of drafting of this contribution (Feb. 2023), a total 244 professional caregivers received training in 18 different municipalities. The project is expected to continue throughout 2023.