Danijela Lahe¹

University of Maribor Faculty of Philosophy Slovenia

Original research paper

UDC 316.346.32-053.9(497.4) DOI 10.7251/SOCEN1510023L Accepted: 18.09.2015.

Some sociological aspects of the prevention of domestic violence and abuse of the elderly in Slovenia

Abstract

This paper addresses the issue of violence and abuse of older persons which, due to an increased level of public sensitivity and continuing reminders from governmental and non-governmental institutions, is becoming a subject of increased attention. The author focus on domestic violence and abuse and present and describe various ways of prevention from violence and abuse of older persons from the aspects of the legislation, human rights and the role of the Slovenian police.

Key words: family, the elderly, violence and abuse, preventive activities.

Introduction

Population of the elderly in the Western cultures is soaring, and consequently opens more possibilities for the abuse of the elderly. Therefore, in the two last decades this issue of violence and abuse is getting more and more attention in the context of researching, policies and in practice. Also in Slovenia the problem of violenceand abuse seems to be more and more present and worth to be paid attention to and researched by the media and wider public policy. Reasons for that are permanent warning of the nongovernmental organisation to the problem of violence in family, statistical data which indicate

¹ Assistant at the Department of Sociology, Faculty of Philosophy, University of Maribor, e: danijela.lahe@um.si

increasing trends of the violence in privacy, higher level of public sensibility to this phenomenon, the regulation of the Criminal Law of the Republic of Slovenia², whichinArticle 191stipulates "domestic violence as a criminal offense" and at last but not least important, adopting of the Law on Prevention of violence in family³.

Behavioural norms of the postmodern society, among which unfortunately is also ageism, sexism, and reconciliation with violence in society, are important factors in formation of violence against the elderly. The elderly are often described as weak, helpless, dependent, in short, less worth to be paid attention to, from the state and their own family. Life quality of the elderly certainly does not depend on merely material conditions, but for their health, psychosocial wellbeing is of great importance safety and acceptance among the family and wider social environment.

Violence against the elderly is very serious and unfortunately frequent problem within the family, local community and care homes. Both genders are exposed to it, healthy and unhealthy ones and all ethical and social groups. Family violence includes all forms of violence used by the family members' (e.g. adult children and other family members such as grandchildren, orspouses/partners of elders) superiority/predominance which endanger person's rights and integrity, leading to their suffering and harm. Nevertheless, violent behaviour may also be a consequence of the demanding changes in the society and its influences on family everyday life because of health and old age, as well as changes of the roles within the family and new, sometimes opposite mutual dependences. There might appear completely new challenges which are often described as extensive demands confronted with limited support capabilities⁴.

Violence against the elderly, which became of public interest much later than other types of violence⁵, currently seem to be of interest of great number

² Kazenski zakonik 1, Uradni list Republike Slovenije, št. 55/2008.

³ This is also the first law in the history of the Slovenes, which in Article 3 clearly defines the different types of domestic violence. The Law on Prevention of Domestic Violence defines violence as any use of physical, sexual, psychological and economic violence of one family member against another family member or neglect of a family member, regardless of age, sex or any other circumstance of the victim or perpetrator of violence (*Zakon o preprečevanjunasilja v družini*, Uradni list RS, št.16/2008).

⁴ Šlajmer Japelj, Blažun Helena and Kokol Peter. (ur.). *Breakingthetaboo: nasilje nad starejšimi ženskami v družini: prepoznavanje in ukrepanje*, Dunaj, Avstrija: Šlajmer InfoMedia, 2010.

⁵ In the eighties of the previous century attention was paid to the elderly, who experienced violence within the family and outside it. Family violence against the elderly was first mentioned in the year 1975 in the British research reviews, named "granny battering" (A.A. Baker, *GrannyBattering, Modern Geriatrics*, Vol 5, no 8, 1975, p. 20-24; G.R. Burston, *Do yourel-derlypatient live in fearofbeingbattered? Modern Geriatrics*, Vol 7, no 5, 1977, p. 54-55).

of researchers. Finally, current data are of exceptional value for each state which is willing to deal with this problem. At this point, it is sensible to warn about limitations on researching of this phenomenon. Experts around the world give different definition of the old age, what makes difficult gaining of the comparable empirical data. Second limitation is, not precise and clear terminology regarding violence and abuse researching on the elderly. Different terminology brings a lot of definitions, varying from study to study so much that their results are not comparable. Next problem is use of different methods of data gaining. Most researches were carried out on the basis of records already reported abuse to the competent state institutions, or there were only assumptions about possible abuses of the individuals (doctors, social workers, or randomly chosen people).

The report, which was issued in June 2011, the World Health Organization⁶ states that each year, 2.7 % (4 million) of persons aged 60 years or more, are victims of physical violence, 19.4 % (29 million) experienced psychological violence, 3.8 % (6 million) financial violence, and 0.7 % (1 million) sexual violence. It is worth pointing out that the publicly known information about violence against older people is just the tip of the iceberg⁷. Problems behind the "four walls", since neither the elderly themselves do not want to go public.

Definition of the violence and abuse of the elderly

It is sensible to mention in the very beginning that in the Slovene literature there are many examples where there is not possible to draw clear, undoubted border between violence and abuse. However, between these two concepts there are some essential differences. Violence is considered as any act against another person and against the will of that person. So, violence against the elderly includes all forms of behaviour (spoken or acted) by the person who takes advantage of his/her superiority, and there does not have to be a relationship between a perpetrator and a victim⁸. According to the United Nations definition⁹ abuse is a "single or repeated act, or inadequate behaviour,

⁶ WHO,2011 http://www.who.int/mediacentre/factsheets/fs357/en/.

⁷ National Center of Elder Abuse (NCEA), 2015 http://www.ncea.aoa.gov/ncearoot/Main_Site/index.aspx.

⁸ Barbara Oražem in Ksenija Ramovš, Odločen »ne« nasilju in zlorabam, V Starič, M. (Ur.), *Praktični vodnik za upokojence: pravice, možnosti, priložnosti*, Ljubljana, Založba Maks Viktor, 2004, str. 90-91.

⁹ United Nations, Abuse of older persons: recognizing and responding to abuse of older persons in a global context – Report of the Secretary General, Economicand Social Council. UN E/CN.5/2002/PC/2, 2002, p. 4.

happening in any relationship based on trust, which harms an old person and put her/him in danger". So, what makes difference between the violence and abuse is a personal relationship between the victim and perpetrator, when act is being repeated.

Regarding variety of unwanted behaviours and their similar if not the same meaning, we decided to use both expressions - violence and abuse.

After the review of the foreign experts' contributions dealing with this issue around the world, it is evident that different terminology is used in the countries using the same language. In the USA and Great Britain, most often expressions are: "abuse", "mistreatment", "neglect", "abandonment", less often "misuse", "maltreatment". It is interesting that in the literature in English, most often expression is »violence«, when they speak about general/common family violence ("domestic violence"). In Germany and Austria are mostly often used expressions "Gewalt", "Missbrauch" and "Misshandlung".

To prevent violence, it is necessary to recognise it, therefore, short descriptions of the commonest typical forms of violence and abuse in family the elderly are confronted with 10, will be given.

Physical abuse: it means usage of physical force on an old person, which may cause physical injuries, pains or defects. Psychical or mental abuse: causing of suffering, emotional suffering or sadness. Moreover, dealing with the elderly like they are children, as well as prohibition of their contacts with family and friends, ignoring them or forcing them to be isolated from the social life, are all examples of psychical abuse. Negligence: rejection or unfulfilling any kind of obligations to the elderly, someone has to do for an old person. There are active and passive forms of negligence. Passive negligence means unintentional lack of care and help, caused by lack of knowledge or information. In the case of active negligence it is carried out intentionally/consciously. Financial or material abuse: is a form of illegal or irregular usage/exploitation of the old person's savings, possession or property: turning cheque into cash without permission, signature forging, theft of money or possession, signing of the document under the force or by playing trick on an old person (for example contract or will), rejection of the right to supervise own property, fraud, abuse of the position of the protector, caretaker or lawyer. Sexual

¹⁰ The National Center on Elder Abuse, 1998, The national elder abuse incidence study, Washingtonhttp://aoa.gov/AoA_Programs/Elder_Rights/Elder_Abuse/docs/ABuseReport_Full. pdf; WHO, The Toronto declaration on the global prevention of elder abuse, 2002 http://www.who.int/ageing/projects/elder_abuse/alc_toronto_declaration_en.pdf; Manfred Lachs and Karl Pillemer, Elder abuse. Lancet 364(9441), 2004, p. 1263-1272; Garre-Olmo, et al., Prevalence and risk factors of suspected elder abuse subtypes in people aged 75 and older, Journal of The American Geriatrics Society, Vol 57, no 5, 2009, p. 815-822.

abuse: it is an unwilling sexual act with an older person without their consent. Here is also included unwilling touching, forced nakedness and photo taking. Some authors¹¹ also talk about: *Self negligence*: it is a form of abuse when an old person neglect them self, thus putting in danger his/her health and life. *Medical abuse*: this is a kind of abuse, when an old person is prescribed drugs which are not urgently needed (opiats, sedatives) or is unreasonable rejected further adequate therapy (too old for the certain treatment). Medical abuse of the elderly are also considered aggressive testing which can put in danger dying old people.

Beside all mentioned violence and abuses, it is significant that more types of abuse happen at the same time, they are intertwined and intensified (for example: exploitation, limitations, and at the end violence). The elderly are, beside the mentioned violence, encountered with other negative phenomena: discrimination, human rights and freedom violation, inaccessibility of life supplies and other services.

Beside the forms of abuses, it is also important to recognise risk factors which can lead to family violence. Regardless if the risk factors are consequence of the influence of environment, psych-physical or cultural and socio-economic influence, risk factors are present in family relationships (intimate, welfare, caring) where the elderly live at relatives' home or care homes. Both these solutions, unfortunately, do not offer real home to the elderly. Instead of expected understanding, safety, shelter and warmth, they often encounter coldness, misunderstanding and bad relationships, conflicts¹².

Abuse is reality for many old people; however, a lot of them do not want to admit openly that abusing is present and will be present in institutions and also in private, family surroundings.

Forms of help to the (potential) victims of violence and abuse

People abused within the family regularly need support in the form of protection, consultancy or treatment. Even so perfect consultancy and treatment programmes cannot help the change of the cultural values and norms

¹¹ Bridget, Penhale and Jonathan, Parker, *Elder abuse and older men: towards and understanding.* COE-Strasbourg, 1999; Metka, Pentek, Nasilje, zloraba in starejšiljudje. V: *Nasilje, zloraba in starejšiljudje.* Otočec, Gerontološko društvo Slovenije, 2000; Vinko, Razboršek, Oblike zlorabljanja starejšil judi, *Kakovostna starost*, Vol 5, no 1-2, 2002, p. 31-35.

Simona Hvalič Touzery in Polona Felicijan, Dogaja se njej in dogaja se mnogim: ne bi se smelo: raziskava o zlorabi starih ljudi v Sloveniji, Kakovostna starost, Vol 7, no 1, 2004, p. 12-20.

which are in favour of violence and abuse within the family. Before we really count on significant decrease of violence within the family, significant changes must happen in the society¹³: firstly, norms which give legitimacy and uplift violence in society and family should be eliminated, and stress which causes violence should be decreased to minimum. It is also of urgent importance to decrease socially isolated family and patriarchal direction of the society.

Who do we have to turn to if we want to come out of the vicious circle of silence in Slovenia? On the state level those are institutions which have important role in treatment of criminal offenses and violence: courts (district and regional), public prosecutor, police, centres for social work and health institutions. There are also nongovernmental organisations dealing with victims of offenses, violence and different distress: Centres for the victims of offenses, Institute Papilot, SOS telephone for women and children - violence victims, Society for non violent communication, Consultancy office for women, Legal information centre, Society for help in mental distress and Karitas. Unfortunately, access to different forms of help is not regionally evenly distributed.

Prevention of violence and abuse of the elderly

The Law on Prevention of Domestic Violence¹⁴ was the first law in Slovenia, which clearly defines the different types of domestic violence. The Act devotes special attention to the issue of violence against older people, in addition to children and persons with disabilities who are most vulnerable. The Law defines and imposes the duty of every individual to report violence and provide assistance to victims of violence. The adoption of this law gives two clear messages to the whole society: first, that no form of violence is not acceptable, secondly, that the family and all family members deserve a law that will protect them against violence happening within four wall¹⁵.

On the basis of Article 11 of the Law on Prevention of Domestic Violence, in 2009 was also adopted Resolution about National Program on Prevention of Family Violence 2009 – 2014¹⁶. This strategic document defines goals,

¹³ Hester, Henderson, Domestic Violence and Child Abuse, Sourcebook, Detroit, Omnigraphics, 2010.

¹⁴ Zakon o preprečevanjunasilja v družini, 2008. Uradni list RS, št.16/2008.

¹⁵ Ministrstvo za delo, družino, socialne zadeve in enake možnosti, 2008 http://www.mddsz.gov.si.

Resolucija o nacionalnem programu preprečevanja nasilja v družini 2009-2014, 2009 http://zakonodaja.gov.si.

measures and key policy carriers for prevention and decrease of the family violence in the Republic Slovenia in the period from 2009 to 2014. Basic goals of the document are to link different measures and to ensure efficient carrying out of the activities for diminishing of family violence on the level of recognition as well as prevention. Document gives numerous strategies for family violence prevention.

Slovenia has also adopted a strategy for quality aging and solidarity and good intergenerational relations for the period from 2011 to 2015, in response to the impact of aging and European requirements to provide solidarity and cooperation between generations. The purpose of the strategic documents is to continue the policies of previous strategies - to align and integrate the work of the competent authorities so as to increase cooperation and the quality of human relations between the generations and to ensure the elderly quality aging¹⁷.

Violent behaviour cause great harm not only to an individual confronted with it, but also to a wider society, as it undermines healthy substances of the basic human values and leaves long lasting effects. Therefore, it is necessary to consider prevention of violence against the elderly holistically, where the key role has a partnership between the participants. In the current practice, cooperation between the different organs of the state (Centre for Social Work (CSW), consultancy services at schools, police, prosecutor, health services) and nongovernmental sector has been enabled.

At the international level, policy-makers and field workers expressed concern about this issue and merged with a view to improve understanding of violence against the elderly and methods needed to prevent violence. The EUROPEAN project, which also included Slovenia, aims to develop a European reference framework for the prevention of violence against the elderly. The project team formed three types of violence prevention, each focusingon aspecific target group¹⁸: 1. Primary protection includes actions aimed at preventing violence against older people. The target group consists ofolder people who are not exposed to violence, butmay face it in the future. 2. Secondary prevention involves actions that are focused on the identification and detection of violence against older people in the early stages, before it becomes detected. The main objective is to stop the violence and prevents deterioration. The target group consists of the elderly whoare experiencing the early stages of a violent situation. Tertiary prevention involves programs aimed at

Strategija za kakovostno staranje, solidarnost in sožitje generacij v Sloveniji za obdobje 2011 do 2015, Delovno gradivo za pomoč ožjim delovnim skupinam, Ljubljana: interno gradivo, 2011.
EUROPEAN, Nasilje nad starejšimi v Evropi, Povzetek: Ozadje in stališče projekta EUROPEAN, 2010, p.18-19.

improving the lives of victims of violence against older people by reducing the severity of the abuse and applying of the tools that prevent them from becoming repeated victims of domestic violence in the future. The target group consists of older people who are victims of violence.

Project group concluded, that the effective combating of violence against the elderly requires recognition that violence as a private matter is a public ones¹⁹.

An important role in the prevention of violence against the elderly is certainly the police. According to the Ombudsman's point of view²⁰ police is obliged to act efficiently and decisively when carrying out entrusted assignments regarding prevention and treatment of the family violence. Slovene police, according to the Police Law²¹ have to pay special attention to quality of work regarding prevention and discovering of the most severe offenses, among which is family violence. In the year 2003, police were given full authority to protect the victim, so that a perpetrator is forbidden to enter the flat for two days and court can prolong this period to 10 days²²

In spite of all authorisations, police are aware that they by themselves cannot solve family violence problem efficiently and in long term. They are only able to calm down situation temporarily, prevent current danger; their measures cannot ensure long-lasting safety to the victims of violence. In this cases police miss cooperation with other institutions which are able to participate »at once and now«, and professionals who can give support to the victims at the moment when they need it, who can observe situation and interfere when it is needed²³.

Police throughout their practical work found out that the Slovene society as a whole is rather tolerant to family violence and therefore do not act in favour of the family victims²⁴. Family is still rather closed cell, and family in which there is violence it is even more closed, as family privacy is traditionally untouchable. That is one of the fields with most prejudices and stereotypes, also including professionals dealing with these issues. On the other side, those professional who deal with family violence, estimate that police attitude to violence has recently been changing in positive direction. However, it must

¹⁹ More oftherecommendations on the prevention of violence and abuse against the elderly *EUROPEAN*, *Nasilje nad starejšimi v Evropi*, Povzetek: Ozadje in stališče projekta EUROPEAN, 2010, p.22-28.

²⁰ Varuh človekovih pravic: Letno poročilo, 2002. http://www.varuh-rs.si.

²¹ Zakon o policiji, 2003. Uradni list RS, št. 110/2003.

²² Ibid

²³ Ministrstvo za notranje zadeve, 2014. http://www.mnz.gov.si/.

²⁴ Ibid.

be said that the Slovene police have done great job and improved its position in this field in comparison with other institutions. However, a special role of our ombudsman in protection of the elderly must be mentioned as well.

Also The European Union recognizes and respects the right to life in dignity and independence and to participate in social and cultural life²⁵. The objective of the Charter is not to replace, but to complement and support the charters and other measures which have already been established in some countries of the European Union. The purpose of the Charter is also to increase awareness, and draw attention to the rights of the growing number of older people²⁶.

Conclusion

Violence against the elderly is becoming increasingly recognized as a major social problem, which will undoubtedly rise with the population growth.

Even though violence and abuse against the elderly has had a long tradition in the society, has been only recently recognised. In the Western countries it was mentioned not before mid eighties of the previous century, before it had been regarded as a taboo topic. Even nowadays violence is a hidden act and therefore it is very difficult to discover it. Main problem is that the core of happening, as it is case in most abuses, happens between the four walls and is in great deal hidden from the public eye/control. To expose one act, which happens within the intimate area, as a public matter, is a problem partly because of the family rights advocates, who protect family's privacy against state intervention, and partly because it is against deeply rooted belief that the family provides warm, safe environment for the individual.

At the same time it is necessary to continuously develop preventive social activities at the elderly associations and other nongovernmental organisations, which unite older citizens. Meetings at intergenerational programs for quality aging are excellent possibility for the elderly to speak in confidence about their dark sides of life. Each state which has an intention to deal with this problem successfully should apply holistic approach to the problem of violence and abuse of the elderly, and in-depth analysis and interpretation of the actual data should be carried out. Regarding research of this phenome-

²⁵ Listina Evropske unije o temeljnih pravicah (2010/C 83/02). http://eurlex.europa.eu/LexUriServ.do?uri=OJ:C:2010:083:0389:0403:sl:PDF.

²⁶ *EUROPEAN*, *Nasilje nad starejšimi v Evropi*, Povzetek: Ozadje in stališče projekta EUROPEAN, 2010. http://www.preventelderabuse.eu/doc/293pdf.

non it is also meaningful to point out that there are some limitations which make data comparison impossible. Therefore, preparation of a unique questionnaire with comparable scales for testing of violence and abuse sensitivity, presuming that it contains all types of violence and abuse of the elderly, would be of great help at least in the area of the European Union.

To ensure dignified and quality life to the elderly in a democratic state, first of all, the human rights have to be respected as well as the state's sensitivity to the violence and abuse has to be increased. In each society where violence and abuse of the elderly are matter of their value system and are considered as something taken for granted, unavoidable and not as a problem, it is of utmost importance to raise social awareness that violence and abuse are not acceptable or excusable behaviours and the tolerance to these phenomena has to be null and void²⁷.

REFERENCES

Baker, A.A., GrannyBattering, Modern Geriatrics, Vol 5, no 8, 1975.

Breakingthetaboo: nasilje nad starejšimi ženskami v družini: prepoznavanje in ukrepanje, Šlajmer Japelj, M., Blažun, H., Kokol, P. (ur.). InfoMedia, Dunaj, Avstrija, 2010.

Burston, G.R., *Do yourelderlypatient live in fearofbeingbattered? Modern Geriatrics*, Vol 7, no 5, 1977.

EUROPEAN, Nasilje nad starejšimi v Evropi, Povzetek: Ozadje in stališče projekta EUROPEAN, 2010.http://www.preventelderabuse.eu/doc/293pdf (30.5.2015).

Garre-Olmo, Josep., Planas-Pujol, Xenia, López-Pousa, Secundino, Juvin-ya, Dolors, Vilà, Antoni, Vilalta-Franch, Joan, Frailty and Dependence in Girona Study Group, *Prevalence and risk factors of suspected elder abuse subtypes in people aged 75 and older, Journal of The American Geriatrics Society*, Vol 57, no 5, 2009.

Henderson, Hester, *Domestic Violence and Child Abuse*, *Sourcebook*, Detroit, Omnigraphics, 2010.

Hvalič Touzery, Simona. in Felicijan, Polona, Dogaja se njej in dogaja se mnogim: ne bi se smelo: raziskava o zlorabi starih ljudi v Sloveniji, Kakovostna starost, Vol 7, no 1, 2004.

²⁷ Danijela Lahe, Nekateri sociološki vidiki nasilja in zlorabe nad starejšimi ljudmi v družinskih, partnerskih in sorodstvenih razmerjih, Magistrsko delo, Maribor, Filozofska fakulteta Maribor, 2009, p. 14.

Kazenski zakonik 1, Uradni list Republike Slovenije, št. 55/2008.

Lachs, Manfred and Pillemer, Karl, Elder abuse. Lancet 364(9441), 2004.

Lahe, Danijela, *Nekateri sociološki vidiki nasilja in zlorabe nad starejšimi ljudmi v družinskih, partnerskih in sorodstvenih razmerjih*, Magistrsko delo, Maribor, Filozofska fakulteta Maribor, 2009.

Listina Evropske unije o temeljnih pravicah (2010/C 83/02). http://eurlex.europa.eu/LexUriServ.do?uri=OJ:C:2010:083:0389:0403:sl:PDF (22.3.2015).

Ministrstvo za notranje zadeve, 2014.

http://www.mnz.gov.si/(16.8.2015).

Ministrstvo za delo, družino, socialne zadeve in enake možnosti, 2008.

http://www.mddsz.gov.si(20.6.2014).

National Center of Elder Abuse (NCEA), 2015 http://www.ncea.aoa.gov/ncearoot/Main_Site/index.aspx (15.9.2015).

Oražem, Barbara in Ramovš, Ksenija, Odločen »ne« nasilju in zlorabam, V Starič, M. (Ur.), *Praktični vodnik za upokojence: pravice, možnosti, priložnosti,* Ljubljana: Založba Maks Viktor, 2004.

Penhale, Bridget. in Parker, Jonathan, *Elder abuse and older men: towards and understanding*. COE-Strasbourg, 1999.

Pentek, Metka, Nasilje, zloraba in starejšiljudje. V: *Nasilje, zloraba in starejšiljudje*. Otočec: GerontološkodruštvoSlovenije, 2000.

Razboršek, Vinko, Oblike zlorabljanja starejših ljudi, *Kakovostna starost*, Vol 5, no 1-2, 2002.

Resolucija o nacionalnem programu preprečevanja nasilja v družini 2009-2014,2009. http://zakonodaja.gov.si (02.09.2011).

Strategija za kakovostno staranje, solidarnost in sožitje generacij v Sloveniji za obdobje 2011 do 2015. Delovno gradivo za pomoč ožjim delovnim skupinam.2011. Ljubljana: interno gradivo.

The National Center on Elder Abuse, 1998. The national elder abuse incidence study. Washington, http://aoa.gov/AoA_Programs/Elder_Rights/Elder_Abuse/docs/ABuseReport_Full.pdf. (29.4.2015).

UnitedNations, Abuseofolderpersons:recognizingandresponding to abuseofolderpersons in a global context – ReportoftheSecretary General. Economicand Social Council. UN E/CN.5/2002/PC/2, 2002.

Varuh človekovih pravic: Letno poročilo, 2002. http://www.varuh-rs.si (20.1.2015).

Zakon o policiji, 2003. Uradni list RS, št. 110/2003.

Zakon o preprečevanjunasilja v družini, 2008. Uradni list RS, št.16/2008.

WHO, The Toronto declaration on the global prevention of elder abuse, 2002http://www.who.int/ageing/projects/elder_abuse/alc_toronto_declaration_en.pdf (10.2.2015).

WHO, 2015 http://www.who.int/mediacentre/factsheets/fs357/en/ (3.2.2015).