

ECCV submission to Australian Law Reform Commission Inquiry into Protecting the Rights of Older Australians from Abuse

August 2016

About ECCV

The Ethnic Communities' Council of Victoria Inc. (ECCV) is the Voice of Multicultural Victoria. As the peak body for ethnic and multicultural organisations in Victoria, we are proud to have been the key advocate for culturally diverse communities in Victoria since 1974. For 40 years we have been the link between multicultural communities, government and the wider community.

We aim for a culturally diverse and harmonious society that is just, fair and inclusive where all people have the opportunity to participate in and contribute to, community life. We advocate for freedom, respect, equality and dignity for multicultural communities and strive with others, to build a strong, vibrant Victorian community.

Submission

This submission has been drafted by a community organisation and not intended to be primarily from a legal perspective. It is based on insights from the ECCV's work in the area of ageing and aged care and its project to prevent elder abuse in ethnic communities (Access weblink to project and involved multicultural communities [here](#)). The information presented in this submission is intended to advise the Australian Law Reform Commission on relevant community issues to inform its views and recommendations.

Elder abuse

Context

Since 2012, the ECCV has run a project in partnership with Seniors Rights Victoria to raise awareness of elder abuse in specific ethnic communities. The project has worked with eight communities: Greek, Chinese, Macedonian, Filipino, Turkish, Serbian, Croatian and Polish, is working with the Vietnamese and Indian communities in 2016, will be working with the Jewish community in 2015-17, and hopes to work with the Italian and Arabic speaking communities in 2017-18.

This project relies on close consultation with ethnic communities to develop key project strategies including key messages, resources and identify barriers to support. This project resulted in a

production of [Within My Walls](#), a community education DVD and resource on elder abuse, bilingual flyers and Community Education Resource kits have been produced that include key messages, case scenarios that cover some of the key issues around elder abuse for those communities, background information on the cultural context, and relevant support services. Bilingual workers have been trained and have been delivering community education sessions to older people, in their first language, including providing advice on pathways to support. This has resulted in tangible increases in referrals to Seniors Rights Victoria from some communities. Findings from past and ongoing community consultations have informed this submission.

ECCV has had proven success through using bilingual workers to deliver community education developed through close consultation with target communities, and in partnership with service providers and ethno-specific organisations. Working with the community ensures community education programs are properly targeted to cultural and linguistically diverse communities.

This is a case example provided by [Pronia](#) on their engagement with a member of the Greek speaking community and its outcomes:

“The bilingual community educator attended a Greek planned activity group to present a community education session to elderly participants. The educator used the Greek language resources developed from the project which included narratives on different scenarios and behaviours that constitute abuse. In that instance one participant realised that his communication to his partner and carer was considered verbal abuse. It was not his intention to be abusive, it was considered normal in his family. He modified his behaviour to be more respectful.”

Terminology

Consideration is needed when using and translating the term ‘elder abuse’ into different cultural contexts and languages. There is no direct translation for ‘elder abuse’ in some languages, and can connote primarily physical violence. Using it as an umbrella term may deter discussion within certain communities and provoke feelings of shame or stigma. The approach of this project has to be to consider this with the different communities we work with and adapt the language accordingly. For example the ECCV project has used language such as ‘mistreatment of older people’ or focussed on the message that everyone deserves respect and dignity.

(Relation to Question 1)

Elder abuse in multicultural communities

Elder abuse is part of the family violence spectrum. Like other forms of family violence, elder abuse is about one person having power and control over another person. Elder abuse includes criminal acts such as physical assault, fraud, coercive and threatening behaviour, exploitation, mistreatment

and neglect.¹ Elder abuse has different manifestations than other forms of family violence. Although more women than men suffer from elder abuse, there is a significant number of older men (25%) who experience elder abuse, according to Senior Rights Victoria client data. Unlike other forms of family violence, elder abuse is perpetrated equally by both men and women, most often by the adult sons and daughters of older people.²

Due to a range of barriers including language and cultural ones, elder abuse in cultural and linguistically diverse communities is likely to be more hidden and under-reported. Migration history leading to an increased dependence on adult children and other factors may also result in increased risk of elder abuse amongst older migrants.

Specific barriers & risk factors for multicultural community members

Cultural and linguistically diverse communities are just beginning to understand the concept of elder abuse. More work needs to be done to educate cultural and linguistically diverse ageing communities on what constitutes elder abuse and what supports are available. The barriers discussed below have come through various ECCV consultations as part of its elder abuse prevention project.

Language and literacy

Culturally and linguistically diverse seniors are often unaware of services available to them, as there is limited information in their language and a lack of bilingual services. This restricts the range of options for seeking help. When translated written material is available, it may sometimes not be understood due to low levels of literacy in the first language. Older migrants may depend on adult children for translating documents or navigating the service system, which can leave them vulnerable to financial and social abuse. Due to low levels of literacy and trust of family members, older migrants may sign documents that they do not understand, which can lead to financial abuse, and even homelessness.

Fear for consequences

Many culturally and linguistically diverse seniors do not want to report elder abuse, because they fear that it may exacerbate their current situation. Addressing elder abuse may mean a loss of accommodation, especially if an older person is dependent on their abuser economically and for their housing or personal care. Many culturally and linguistically diverse communities have a strong tradition of adult children caring for their elderly parents. There can be a stigma attached to going into residential care, or limited culturally appropriate options. Threats of residential care, which play on a fear of losing cultural and community connections, can be a form of emotional abuse.

¹ Senior Rights Victoria (2015), *What are the types of elder abuse?*, <http://www.seniorsrights.org.au/toolkit/toolkit/what-is-elder-abuse/#item-2>, viewed on 11 May 2015

² Senior Rights Victoria (2014), *Annual Report 2013-14*, <http://seniorsrights.org.au/wp-content/uploads/2014/03/Seniors-Rights-Victoria-Annual-Report-13-14-Web.pdf>, viewed on 11 May 2015

Issue relating to visa status (Relates to Question 9)

Visa restrictions may limit options to address elder abuse or place people in situations in which they are particularly vulnerable to abuse. For example there significant number of Chinese, Filipino and Indian seniors arriving on contributory parent visas. These visas are expensive and assets are often released to adult children before they arrive, and seniors arriving on them are not be eligible for some services, or there are long waiting periods prior to eligibility. The children will often bring their parents out to look after their young children. The older parents are wholly financially dependent on their adult children and particularly in the certain communities may not speak English. The family have often not fully considered the implications of this arrangement and the potential for unforeseen circumstances to create additional pressure.

Social isolation and familial ties

People's low level of English proficiency means there is a reliance on children for support. Therefore, reporting elder abuse in culturally diverse communities comes with a fear of losing family relationships and the associated support. It could mean, not just losing the relationship with the abuser, but also with the extended family. This concern is heightened where there is a high level of dependence on the family. For many, family is their lifeline. Threats to withdraw access to grandchildren can be a form of emotional abuse or coercive behaviour by adult children. Many victims refrain from taking legal action against family members. They may choose to endure elder abuse rather than risk losing relationships with family, particularly where there is a lack of awareness of other non-legal courses of action.

Social stigma

There may be stigma about accepting help outside the family, due to cultural expectations of family caring for older family members. To admit that there is a problem within the family may be shameful and prevent both perpetrators and victims seeking help. Where adult children are the abusers, the older person from cultural and linguistically diverse backgrounds may have a deep sense of shame, and feel they have failed as a parent in some way. Men may see elder abuse as a women's issue and be more reluctant to identify themselves as victims of abuse. Many migrant communities are close-knit and there is fear of what other people may think. They may choose to socialise less to protect the good name of the family.

Lack of understanding about the options available

Input from communities has revealed that another common barrier for people from cultural and linguistically diverse backgrounds accessing support or disclosing abuse is a lack of understanding about what this will mean or involve. There are perceptions that accessing support will involve large costs (eg to seek legal advice) or that discussing the issues with a lawyer or a service will automatically mean involve lengthy public court proceedings or that they will not have a choice in what actions are taken. This speaks to the importance of information provision about services that allow ease of access such as Seniors Rights Victoria or Health justice partnerships that will provide the older person with confidential information and options.

Accessing services

Accessing services continues to be a problem, as there are limited culturally proficient mainstream services and ethno-specific services with limited capacity that are accessible to provide assistance to seniors who experience elder abuse. Many mainstream services are not adequately funded or resourced to provide culturally appropriate or language specific services to culturally and linguistically diverse seniors.

There is a significant number of bilingual workers involved in the delivery of aged care services, however, they are often not provided with adequate professional development or training to identify and deal with elder abuse among their clients. Better resourcing and funding is needed to ensure all aged care workers, including bilingual workers are provided with ongoing professional development and support to identify and properly address elder abuse. There are limitations on culturally proficient and ethno-specific services who do provide elder abuse services. For example, some services have regional restrictions, seniors who require these services may not be eligible as they live outside of the prescribed geographic boundaries.

General practitioners have been identified as an important avenue for disclosure of elder abuse by culturally and linguistically diverse seniors. There is potential to provide professional development to general practitioners to identify elder abuse and assist seniors with the reporting of elder abuse.

Case Studies (Relates to question 3)

ECCV has developed simple case scenarios that are used in the context of community education sessions to facilitate discussions with community members on the taboo topic of elder abuse. The stories are available in different languages and in English.

Con's story - Trust, love and money

Con's son Stavros returned to live with him last year following his divorce. It has been difficult as he is often angry and depressed. However, Stavros has been helping Con with the shopping as he finds it difficult to manage. He recently discovered that \$5,000 has disappeared from his savings. Stavros is the only other person with access to his bank account. Con thinks he may have taken the money to go to the casino. Con has been having problems sleeping. He hasn't told anybody about his concerns. He isn't sure what to do.

Mara's story

Mara has been married to Trajan for forty years. They have worked hard all their lives to provide for the family, but now Trajan is no longer working and has nothing to do. He has started drinking more and more. She is often afraid to ask him for shopping money. Since their children moved out, Mara

and Trajan have slept in separate bedrooms. Mara keeps her bedroom door locked on the nights he has been drinking. She is not sure what she has done to deserve his anger, but she believes she must tolerate his bad moods for the sake of the family. Lately she has not been sleeping well, she sometimes finds it difficult to breathe properly, and she feels her heart hurting, often after Trajan has started drinking.

Erlinda's story: "Out of my hands"

Erlinda has been living in a small rural town since migrating to Australia with her husband John thirty years ago. It has been a reasonably caring marriage even though they have no children and few friends. As John gets older and his health deteriorates, he relies on Erlinda alone to care for him, refusing to accept offers of home help. She is finding caring for him more and more difficult as she gets older. Last time John's children visited, they told Erlinda that soon they would be getting their farm back. Erlinda had not thought about what would happen when John dies, and assumed she would stay in the house forever. She is afraid to mention it to John, in case he gets angry again and threatens to send her back to the Philippines.

Lau Lin's Story - Family decisions, finances and respect

Lau Lin's home has become impossible for her to manage since her husband passed away. Lau Lin has three children although she feels closest to her eldest son Pang. Lau Lin speaks to Pang about her problem and he tells her it is best to transfer the property into his name so he can take care of her finances and future. Lau Lin follows the instructions. Now all of her children are arguing with each other and Pang is making arrangements for his mother to move into a residential home. Lau Lin doesn't want to leave her home or move into the residential facility but has begun to pack her belongings. She feels very unhappy.

ECCV key messages for wider consideration

Culturally informed awareness campaigns

ECCV highlights the effectiveness elder abuse prevention and legal rights awareness campaigns designed for culturally and linguistically diverse people. It is suggested that such campaigns are developed through a co-design process and by working in partnership with culturally and linguistically diverse community members, their organisations and service providers. It may include communicating key messages through ethnic and multicultural media outlets, and would be mindful of culturally appropriate use of language and the need for information to be provided in preferred language of different groups.

Training

ECCV highlights the importance of Government facilitated and professional education for general practitioners, health and aged care staff includes culturally appropriate responses to elder abuse. It is further suggested that bilingual aged care and community workers have access to ongoing professional training on how to prevent elder abuse in culturally and linguistically diverse communities.

Capacity building

ECCV highlights the need for further culturally responsive capacity building of organisations with expertise in elder abuse prevention to ensure engagement with and uptake of elder abuse services by culturally and linguistically diverse people and communities. Additionally ethno specific organisations need to be adequately resourced including in legal resources and referral points to respond to the potential growth in demand that comes with awareness raising.

For more information, please contact ECCV on 03 9349 4122 and email alexander@eccv.org.au or nrittinghausen@eccv.org.au.