

Elder Abuse as Perceived from a Culturally and Linguistically Diverse (CALD) Perspective

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Definition of Elder Abuse – World Health Organisation

- "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"
- various forms such as financial, physical, psychological sexual, and social isolation
- It can also be the result of intentional or unintentional neglect

What Constitutes Elder Abuse Can be Interpreted Differently as a Result of the Application of a Cultural Lens

- China - concept of filial piety
- In Confucian and Chinese Buddhist ethics filial piety is a virtue of respect for one's parents, elders and ancestors
- Filial piety – a core Confucian value and children are obligated - by society and law – to care for their parents in old age
- Crime of abandonment doesn't exist in Australia
- Confusion created for Australian Chinese elderly people living in Australia



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A D V O C A C Y

“China Convicts 5 for Neglecting their Dying Father”

- A court in China has convicted the five children of an 80-year-old man, after he died alone in his rural home.
- Their crime: refusing to take care of him in his old age.
- The elderly man, surnamed Zhang, was found dead by local officials in his home in the southwestern province of Sichuan last year, according to the Chongqing Morning News.
- Last Thursday, Zhang's son was sentenced to two years in jail, while his sisters were given suspended jail sentences ranging from 12 to 18 months. The suspension means the daughters will not serve time if they do not commit any further crimes in the next two years.
- Under Chinese law, refusing to care for one's aging parents is an offense known as the crime of abandonment. It carries a maximum jail sentence of five years.

<https://www.msn.com/en-sg/news/other/china-convicts-5-for-neglecting-their-dying-father/ar-BBNyLYC>

Greek and Italian Cultures

- Raised voices
- Normal in these cultures
- But in Australia does this constitute elder abuse?
Maybe psychological abuse
- Example – Greek man in Melbourne

Concept of Collective Rights vs Individual Rights

- Concept of collective human rights vs individual rights
- What is good for the community is more important than the rights of an individual
- Some African cultures e.g. Sudan
- Example in Italy – property rights due to difficult economic times and culture

Confusion Created by Different Cultural Perspectives

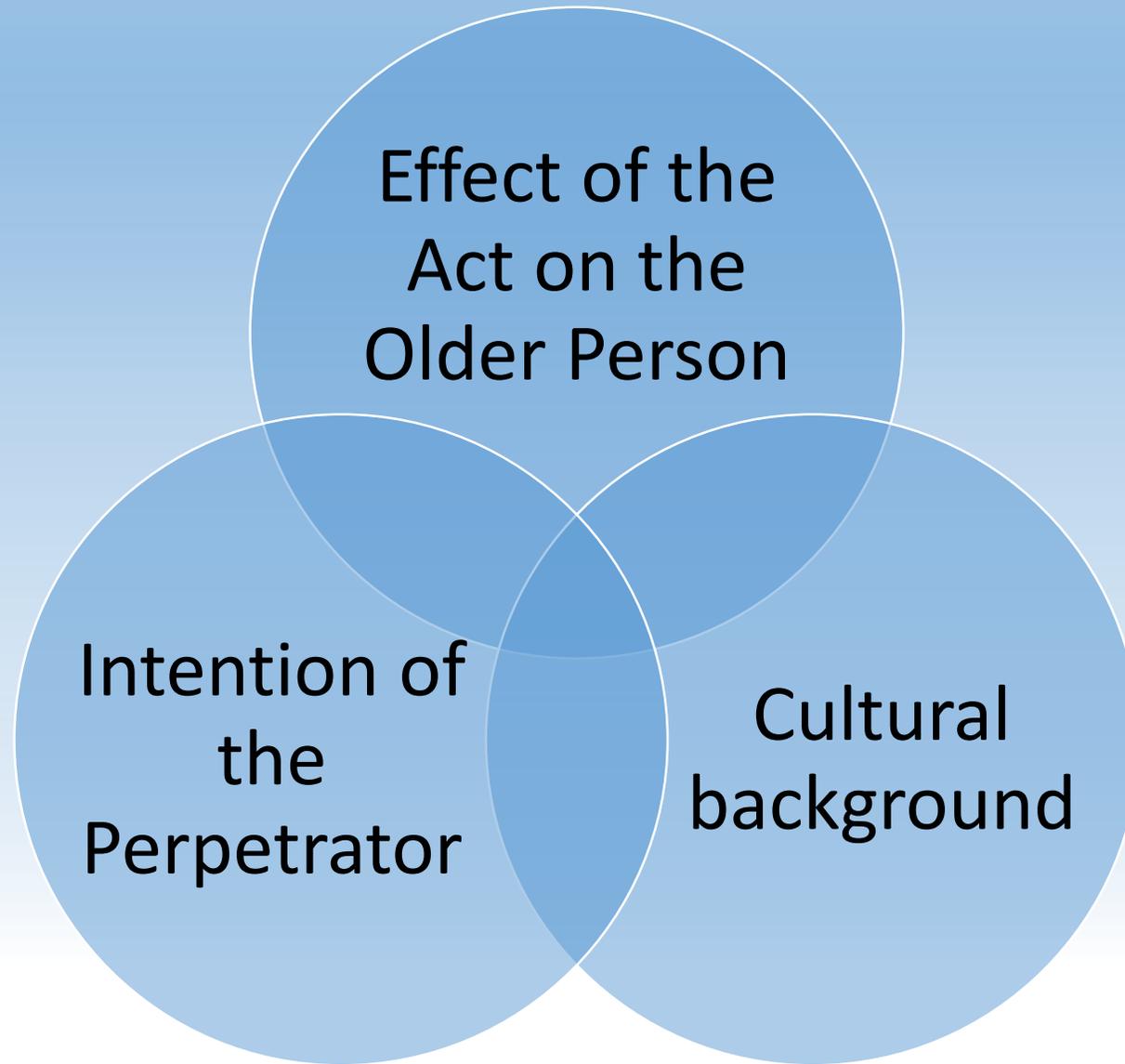
- Cultural lens can create confusion in minds of older person and in the community
- May be following cultural practices, customs and beliefs in the belief that they are good for the older person
- Might be that they are actually elder abuse within the Australian context, and even in Australian law
- Or what is considered elder abuse in another country is not elder abuse in Australia e.g. crime of abandonment

How Do We Deal with CALD Elder Abuse Cases?

- If the act constitutes elder abuse in Australian law – cultural practices/beliefs/customs would not be a defence
- For example: assets for care cases
- Solution: ensure that all parties are clear on their intentions – seek legal advice
- Education/awareness raising/training about this issue elder abuse of older people, stakeholders and their carers

What About Grey Areas?

- For example, loud voices in some cultures
- Human right of self determination: the right to choose how a person wants to live their life
- Find out the effects of the act on the older person – starting point
- Find out the intention of the person alleged to be engaging in elder abuse
- Understand the cultural practices/beliefs/customs of the people involved (read, Internet, research, community leaders, family etc)
- Ask: is this how this particular group of people behave regardless of age?



Effect of the
Act on the
Older Person

Intention of
the
Perpetrator

Cultural
background