

Empowerment

Introduction

As with most things in life “practise makes perfect”, or to put it another way “start as you mean to go on” and so the sooner we can in life get in to the habit of doing things a particular way then the more likely we are to continue to act, and expect to be treated, in that manner even when our circumstances change.

Unfortunately we live in a very ageist society so it is more than ever imperative that we both know our rights and insist on fair and just treatment no matter what our age, vulnerability or state of health.

It is also unfortunately a very sad fact that most abuse of older or vulnerable people, whether that is financial or other abuse, is perpetrated by close family members.

But this is not a negative topic. It is quite the opposite, being, in question and answer format, about empowerment, the freedom to make your own decisions, choose the professionals with whom you feel most comfortable and who can give you specialist but non ageist advice, no matter what your personal circumstances or state of health.

1. What does empowerment mean?

The dictionary definition of empowerment is to “give power to” or to “make able”. What this series of question and answers hopes to achieve is to make you aware of and watchful for anyone or anything which may seek to take your power away or make you less able to make your own decisions.

2. What does empowerment mean in a legal context?

Article 1 of the Universal Declaration of Human Rights proclaimed that “all human beings are born free and equal in dignity and rights”. It follows from this that to deny any person the right

to make a decision, including all legal decisions, or to partake in any human undertaking, including the right to obtain independent legal advice, is to deny them their basic human rights.

Empowerment is therefore an internationally accepted right to self determination, that is the right for each individual to be involved to their fullest possible capability in all decisions concerning them or their assets or affairs

3. Does this self determination apply to all persons?

The UN Convention on the Rights of Persons with Disabilities clarifies that the existing body of human rights applies to all equally no matter what their age or state of health or ability to self-determine. The Council of Europe Recommendation of 2014 underpins this by stating that older people shall enjoy their rights and freedoms without discrimination on any grounds including age.

4. What factors can most commonly affect my right to self determine?

The law recognises that a person's right to self determine can be effected by others seeking to exercise undue influence over them, or by ageism or ambivalence or other forms of discrimination.

5. What amounts to someone having “undue influence” over me?

Undue influence occurs when someone seeks to impose their belief or view on you, or to cause you to do things or arrange your affairs according to **their** plan. It should be distinguished from someone who seeks to give you advice, although it can sometimes be disguised as giving advice.

6. Is there any way I can protect myself from being unduly influenced?

Yes. You can protect yourself from being unduly influenced by taking time to think things over for yourself, and by yourself, before making a decision. In that time you can trace back the sequence of the conversation to see from whom the suggestion came that you act in a particular way, was it from you or the other person, and, if it was not from you, ask yourself if you are

merely assenting to or going along with the other person's suggestion rather than making up your own mind for yourself. If in doubt you could seek professional advice or a second opinion from an independent third party.

7. How do I know if someone is being ageist towards me?

Ageism can be direct or subtle. Direct ageism would be statements like "at your age, you shouldn't expect/want/need...". Indirect ageism would be someone making assumptions about your ability to do something, or treating you as if you are unable to do or decide things for yourself, or speaking condescendingly to you.

8. Am I entitled to demand that I be treated in a non ageist manner?

Yes, ageism is a form of discrimination.

9. What if I am frail or ill and in need of special assistance, or it takes me a little longer than it used to understand and take things in? Am I entitled to have that taken into account?

Yes most definitely. The concept that all people are equal does not mean that "one size fits all". In fact it means the opposite. It means that no matter what your ability, or state of health, or the speed at which you are able to take in information necessary to enable you to make a decision, that you have an absolute legal right to have things explained to you in a manner, style and timeframe that maximises your ability to understand the information. Furthermore you have the right to ask for whatever you might need to enable you to fully understand, for example that the person speak more slowly or explain it a different way or use plain English or simply make the print larger! This right extends to the way you are treated by all, including family as well as professionals or other people serving you.

Of course there is a duty on you too and that is not to try and hide the fact that you have a particular difficulty, by, for example, pretending you can hear what is being said to you when in fact you cannot.

10. What is ambivalence and how can it prejudice my rights?

Ambivalence is the coexistence in one person's mind of opposing feelings in a single context. A parent's feelings about how their adult children treat them can be especially ambivalent as the parent ages in that the parent both wants to keep his/her independence but at the same time wants their adult children to be available to assist them. Ambivalence can arise around financial matters too, for example a parent who would very much like to travel but feels unable to do so alone might be so grateful when invited to go on holiday with an adult child's family that he/she wishes to show gratitude by financially contributing to the overall trip, while at the same time feeling that it should not amount to paying for the whole trip for everyone, but yet be more than covering his/her own fair share of the costs. A similar ambivalence might exist in the mind of the inviters which could lead to misunderstanding and possible financial abuse. It is therefore important to recognise and name ambivalence, starting with your own!

11. Is there any one I could in confidence discuss matters with if I think I may be being disempowered or being persuaded to make a particular decision that I am not comfortable with or do not agree with, or if I feel I may be the victim of bullying?

The motto of Sage - Support and Advocacy Service for Older People is "Nothing about you without you". Sage advocates can assist you or advise you or simply talk things through with you if you ever feel that you are being disempowered, or that decisions are being made about you without your say so, or your wishes are not being taken into account. Sometime it helps to simply talk things over with an independent third party. Sage advocates can, with your authorisation, deal with other people or organisations on your behalf or support you in making a particular decision or communicating your decision or wishes to others.

Sage may also be able to assist if you are concerned about a relative or other older person whose rights you think are being infringed.

The HSE also have specialist social workers (called Designated Officers of the Safeguarding and Protection Team (vulnerable persons)) trained to assist and advise older people in such matters. The website www.hse.ie gives the name of the person in your locality.

A Comprehensive Document on the Human Right to Self-determination is available from Sage Support and Advocacy Service for Older People.