

Study:
**Investigating the frequency and types
of liberty-depriving methods
in elderly individuals in need of residential care**

Conducted throughout Residential nursing homes
in Bavaria, Rhineland-Palatinate and Hesse, Germany

Study Dates: 15.06.2009, 15.10.2009, 15.01.2010

The practice of liberty-depriving methods in nursing may be regarded as a profound intervention in the fundamental rights and freedoms of respective individuals.

Particularly mechanical restraining devices such as belt-systems, bed safety railings, or other forms of anchorage are predominantly utilized in order to avoid falls, behavioural disorders and uncontrolled agitation in elderly people, who frequently suffer from a form of dementia. However, applying those systems is not only associated with a loss - or at least severe limitation - of individual liberty, autonomy and social relationships. It may also cause severe health problems, particularly if regularly applied. Moreover, mechanical restraining devices may lead to injuries or even accidental death (e.g. strangulation).

Applying liberty-depriving methods without individuals in need of care having given consent can be regarded in particular as a substantial form of violence against those human rights associated with self-determination and autonomy. Although there is a statutory obligation in place in Germany, requiring the documentation of every single case of applying liberty-depriving methods, statistical data concerning frequency and quality of liberty-depriving methods has, to our knowledge, not been gathered in a systematic and accessible (i.e. electronic) manner from residential care and eldercare units as well as supervising institutions. In order to remedy that shortcoming, a survey study investigating the prevalence and quality of liberty-depriving methods in all residential eldercare units in Bavaria was announced on the 15th of June 2008 (World Elder Abuse Awareness Day) in support of the United Nations International Plan of Action which recognizes the significance of abuse and neglect of older adults as a public health and human rights issue.

This specific date was chosen because we wanted to draw attention to the fact that liberty-depriving methods can be regarded as a form of violence against individuals frequently of advanced age, who are in need of care.

The Bavarian state ministry of social affairs has kindly supported us by announcing the study and by inviting the management board of all residential eldercare units in Bavaria to participate in the survey. In total 567 institutions - more than one third - have provided data.

The impressive response rate of our 2008 study, as well as the interesting results, have encouraged us to conduct an extended replication survey study in 2009 not only in the federal state of Bavaria on the same day (15th of June 2009), but also in the federal states of Rhineland-Palatinate (15th of October 2009) and Hesse (15th of January 2010) with the support of the respective state ministries of social affairs.

Collecting data on a yearly basis in different state counties in Germany will allow us to analyse longitudinal trends concerning the change in prevalence and quality of liberty- depriving methods. It is necessary and important to conduct those studies because the socio-demographic change will impose new challenges upon eldercare in the nearer future, and residential care institutions will have to adapt in order to meet these requirements. We hope that our studies may not only be able to help with building a data base necessary for evaluating the quality of eldercare (at least with regard to a pivotal criterion) but also for informing political decision-makers about the status quo in eldercare. We have created a portal site www.FEM-Praevention.de on the internet for those individuals who are professionally or personally concerned with liberty-depriving methods - such as nurses, doctors, care unit managers, relatives, guardians, lawyers and judges, just to name a few. We are planning to collect information concerning prevalence and quality of liberty-depriving methods and possible alternatives as well as legal information, literature and internet links.

This study is conducted as a joint cooperation by the Department for Forensic Medicine Vienna, at the Medical University of Vienna, Austria (project manager: Prof. Dr. Andrea Berzlanovich) and the Peter-Schilffarth-Institute for Tociotechnology / Generation Research Program, Human Science Centre of the Ludwig-Maximilians-University in Bad Toelz,

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