



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

Forty-seventh session

4 – 22 October 2010

### General recommendation No. 27 on older women and protection of their human rights

#### Introduction

1. The Committee on the Elimination of Discrimination against Women (hereinafter referred to as “the Committee”), concerned about the multiple forms of discrimination experienced by older women and that older women’s rights are not systematically addressed in States parties’ reports, at its forty-second session, pursuant to article 21 of the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter referred to as “the Convention”), decided to adopt a general recommendation on older women and protection of their human rights.

2. In its decision 26/III, the Committee recognized that the Convention “is an important tool for addressing the specific issue of the human rights of older women”.<sup>1</sup> General Recommendation No. 25, on article 4, paragraph 1, of the Convention on temporary special measures (see E/CN.6/2004/CRP.3, annex I) also recognises that age is one of the grounds on which women suffer multiple forms of discrimination. In particular, the Committee recognized the need for statistical data disaggregated by age and sex as a way to better assess the situation of older women.

3. The Committee affirms previous commitments to older women’s rights enshrined in, inter alia, the Vienna International Plan of Action on Ageing,<sup>2</sup> the Beijing Declaration and Platform for Action,<sup>3</sup> the United Nations Principles for Older Persons (General Assembly resolution 46/91, annex), the Programme of Action of the International Conference on Population and Development,<sup>4</sup> the Madrid International Plan of Action on Ageing 2002,<sup>5</sup>

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<sup>1</sup> See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 38 (A/57/38, Part One, chap I, decision 26/III, and chap. VII, paras. 430-436).*

<sup>2</sup> *Report of the World Assembly on Ageing, Vienna, 26 July-6 August 1982* (United Nations publication, Sales No. E.I.16), chap. VI, sect. A.

<sup>3</sup> *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

<sup>4</sup> *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

<sup>5</sup> *Report of the Second World Assembly on Ageing, Madrid, 8-12 April 2002 1995* (United Nations publication, Sales No. E.02.IV.4), chap. I, resolution 1, annex II.

and the Committee on Economic, Social and Cultural Rights 1995, General Comment No. 6 on the economic, social and cultural rights of older persons and General Comment No. 19 on the right to social security.

### **Background**

4. Current United Nations figures estimate that within 36 years there will be more people over the age of 60 than children under 15 years old globally. They estimate the number of older people in 2050 at over 2 billion, or 22 per cent of the global population, an unprecedented doubling of the present 11 per cent of the population that is over 60.

5. The gendered nature of ageing reveals that women tend to live longer than men and that more older women than men live alone. There are 83 men for every 100 women over the age of 60; there are only 59 men for every 100 women over the age of 80. Further, statistics from the Department of Economic and Social Affairs indicate that 80 per cent of men over 60 are married compared with only 48 per cent of older women.<sup>6</sup>

6. This unprecedented demographic ageing, owing to the improvement of living standards and basic health-care systems as well as declines in fertility and rising longevity, can be considered as a success of development efforts and is set to continue, making the twenty-first century the century of ageing. But those changes in population structures have profound human rights implications and increase the urgency of addressing the discrimination experienced by older women in a more comprehensive and systematic manner through the Convention.

7. The issue of ageing is shared by both developed and developing countries. The proportion of older persons in less developed countries is expected to rise from 8 in 2010 to 20 per cent by 2050,<sup>7</sup> while that of children will fall from 29 to 20 per cent.<sup>8</sup> The number of older women living in less developed regions will increase by 600 million within the period 2010 to 2050.<sup>9</sup> This demographic shift presents major challenges in developing countries. The ageing of societies is also a well established trend and a significant feature in most developed countries.

8. Older women are not a homogeneous group. They have a great diversity of experience, knowledge, ability and skills. Their economic and social situation, however, is dependent on a range of demographic, political, environmental, cultural, employment, individual and family factors. The contributions of older women to society in public and private life as leaders in their communities, as entrepreneurs, caregivers, advisers, mediators among other roles are invaluable.

### **Purpose and objectives of the recommendation**

9. This general recommendation on older women and the recognition of their rights, explores the relationship between all the articles of the Convention and ageing. It identifies the multiple forms of discrimination that women face as they age; outlines the content of the obligations assumed by States as parties to the Convention, from the perspectives of

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<sup>6</sup> UNDESA, Population Ageing and Development Chart, 2009, <http://www.un.org/esa/population/publications/ageing/ageing2009.htm>

<sup>7</sup> UNDESA, Population Ageing and Development Chart, 2009, <http://www.un.org/esa/population/publications/ageing/ageing2009.htm>

<sup>8</sup> UN Population Division, World Population Prospects: The 2008 Revision Population Database, <http://esa.un.org/unpp/index.asp?panel=1>, visited 26 August 2010

<sup>9</sup> UN Population Division, World Population Prospects: The 2008 Revision Population Database, <http://esa.un.org/unpp/index.asp?panel=1>, visited 26 August 2010

ageing with dignity and older women's rights; and, includes policy recommendations to mainstream the responses to the concerns of older women into national strategies, development initiatives and positive action so that older women can participate fully without discrimination and on the basis of equality with men.

10. The general recommendation also provides guidance to States parties on the inclusion of older women's situation in the reporting process on the Convention. Elimination of all forms of discrimination against older women can only be achieved by fully respecting and protecting their dignity, right to integrity and self-determination.

### **Older women and discrimination: Specific areas of concern**

11. Both men and women experience discrimination based on old age, but older women experience ageing differently. The impact of gender inequalities throughout their lifespan is exacerbated in old age and is often based on deep rooted cultural and social norms. The discrimination that older women experience is often a result of unfair resource allocation, maltreatment, neglect and limited access to basic services.

12. The concrete forms of discrimination against older women may differ considerably in various socioeconomic circumstances and socio-cultural environments, in which equality of opportunities and choices regarding education, work, health, family and private life have been enhanced or limited. In many countries the lack of telecommunication skills, access to internet or adequate housing and social services, loneliness and isolation pose problems for older women while older women living in rural areas or urban slums often suffer a severe lack of basic resources for subsistence, income security, access to healthcare and information on and enjoyment of their entitlements and rights,

13. The discrimination older women experience is often multidimensional, with age discrimination, compounding other forms of discrimination based on sex, gender, ethnic origin, disability, levels of poverty, sexual orientation and gender identity, migrant status, marital and family status, literacy and other grounds. Older women who are members of minority, ethnic or indigenous groups, or who are internally displaced or stateless often experience a disproportionate degree of discrimination.

14. Many older women face neglect as they are considered no longer active in their productive and reproductive roles and are seen as a burden to their families. In addition widowhood and divorce exacerbate discrimination. Furthermore lack of or limited access to health care services for diseases and geriatric conditions such as diabetes, cancer, in particular the most prevalent forms of cancer among older women, hypertension, heart disease, cataract, osteoporosis and Alzheimer prevent older women from enjoying their full human rights.

15. The full development and advancement of women cannot be achieved without taking a life cycle approach, recognizing and addressing the different stages of women's lives — childhood, adolescence, adulthood and old age — and their impact on enjoyment of human rights by older women. The rights enshrined in the Convention are applicable at all stages of a woman's life but, in many countries, age discrimination continues to be tolerated and accepted at the individual, institutional and policy levels and few countries have legislation prohibiting discrimination based on age.

16. Gender stereotyping and traditional and customary practices can have harmful impacts on all areas of the lives of older women, in particular older women with disabilities, including on family relationships, community roles, their portrayal in the media, attitudes of employers, health workers and other service providers and can result in violence and psychological, verbal and financial abuse.

17. Older women are often discriminated against through lack of opportunity to participate in political and decision-making processes. Lack of identity documentation as well as transportation means may prevent older women from voting. In some countries, older women may not form or participate in associations or other non-governmental groups to campaign for their rights. Further, mandatory retirement ages may differ for women and men with women being forced to retire earlier, which may cause discrimination against older women, including those who wish to represent their Governments at the international level.

18. Older women with refugee status or who are stateless or asylum-seekers, as well as those who are internally displaced or are migrant workers, often face discrimination, abuse and neglect. Older women affected by forced displacement or statelessness may suffer from post-traumatic stress syndrome, which may not be recognized or treated by health-care providers. Older refugee and internally displaced women are sometimes denied access to health care because they lack legal status in the country of asylum, lack legal documentation, and are resettled far from health-care facilities, or experience cultural and language barriers in accessing services.

19. Employers often regard older women as a non profitable investment for education and vocational training. Older women also do not have equal educational opportunities to learn modern information technology nor resources to obtain them. Many poor older women, especially older women with disabilities and those living in rural areas, have been denied the right to education and have received little or no formal or informal education. Illiteracy and innumeracy can severely restrict older women's full participation in public and political life, the economy and access to a whole range of services, entitlements and recreational activities.

20. Women are fewer in the formal employment sector. Women also tend to be paid less than men for the same work or work of equal value. Gender-based discrimination in employment throughout their life has a cumulative impact in old age, compelling older women to face disproportionately lower income and lower or no access to pensions compared with older men. The Committee on Economic, Social and Cultural Rights in General Comment 19 recognises that non-contributory pensions will be required in most States since it is unlikely that everyone will be covered by contributory schemes (paragraph 4 (b)) and the provision of social protection for older women, particularly those with disabilities, is provided for in the Convention on the Rights of Person with Disabilities, Article 28 (2) (b). Even when they are entitled to an old age pension, the amount thereof is closely linked to wages they have earned, which results in lower pensions compared with men. Further, older women are particularly affected by different mandatory retirement ages to those of men which constitutes discrimination on the basis of age and sex. Retirement ages for women should be optional to protect older women's right to continue working if they choose to and to accumulate increased pension benefits where applicable at par with men. Many older women provide care for, or are the sole caregivers of, dependent young children, spouses/partners or old parents. The financial and emotional cost of this unpaid care work is rarely recognized.

21. The right to self-determination and consent regarding health care of older women are not always respected. Social services, including provisions for long term care, for older women might be disproportionately reduced when public expenditure is cut. Postmenopausal, post-reproductive and age-related physical and mental health conditions and diseases tend to be neglected in research, academic studies, public policy and service provision. Information on sexual health, HIV and AIDS is rarely provided in a form that is acceptable, accessible and appropriate for older women. Many older women have no private health insurance or are excluded from State-provided schemes because they have

not contributed to schemes during a lifetime of work in the informal sector or in unpaid care.

22. Older women may not be eligible to claim family benefits if they are not the parent or legal guardian of children for whom they care.

23. Microcredit and finance schemes usually have age limit restrictions or other criteria that prevent older women from accessing them. Many older women, particularly those who are confined to their homes, are unable to participate in community, cultural and recreational activities, which leaves them isolated and has a negative impact on their well-being. Insufficient attention is often given to the requirements necessary for independent living such as personal assistance, adequate housing, including, accessible housing arrangements and mobility aids.

24. In many countries the majority of older women live in rural areas where access to services is made more difficult due to their age and poverty levels. Many older women receive irregular, insufficient or no remittances from their migrant worker children. Denial of their rights to water, food and housing is part of the everyday lives of many poor, rural older women. For example, older women may not be able to afford adequate food due to the price of food and their inadequate income due to discrimination in employment, social security and access to resources. Lack of appropriate or affordable transport can prevent older women from accessing social services or participating in community and cultural activities. Such lack of access to transport could occur, for example, due to the lower income enjoyed by older women and the neglect in public policy to provide affordable and accessible public transport meeting the needs of older women.

25. Climate change impacts differently on women and especially older women. Older women are more vulnerable due to physical and biological differences that can disadvantage their initial response to natural hazards, social norms and given roles that affect the way they react to a disaster, and an inequitable distribution of aid and resources caused by social hierarchies. Their limited access to resources and decision-making processes increases their vulnerability to climate change.

26. Under some statutory and customary laws, women do not have the right to inherit and administer marital property on the death of their spouse. Some legal systems justify this by providing widows with other means of economic security, such as through support payments from the deceased's estate. However, in reality these obligations are seldom enforced, and widows are left destitute. Some of those laws particularly discriminate against older widows. Older widows are particularly vulnerable to "property grabbing".

27. Older women are particularly vulnerable to exploitation and abuse, including economic abuse, when their legal capacity is deferred to lawyers or family members without their consent.

28. As stated by the Committee in its General Recommendation No. 21, "[p]olygamous marriage contravenes a woman's right to equality with men, and can have such serious emotional and financial consequences for her and her dependants that such marriages ought to be discouraged and prohibited." Nevertheless, polygamy continues in many States parties, and there are many women in existing polygamous unions. Older wives are often neglected in polygamous marriages once they are considered to be no longer reproductively or economically active.

## Recommendations

### General

29. Older women must be regarded as an important resource in society and it is an obligation for States parties to take all appropriate measures, including legislation, in order

to eliminate their discrimination. States parties should adopt gender-sensitive and age-specific policies and measures, including temporary special measures in line with article 4 (1) and general recommendations No. 23 and No. 25, to ensure that older women participate fully and effectively in the political, social, economic, cultural, civil and any other field in their societies.

30. States parties have an obligation to ensure the full development and advancement of women throughout their life cycle and in times of both peace and conflict as well as in other man-made and natural disasters. States parties should therefore ensure that all legal provisions, policies and interventions aimed at the full development and advancement of women do not discriminate against older women.

31. States parties' obligations should take into account the multidimensional nature of discrimination against women and should ensure that the principle of gender equality applies throughout the life cycle in law and in its practical realization. In this regard, States parties should repeal or amend existing laws, regulations and customs that discriminate against older women and ensure that legislation prohibits discrimination on the grounds of age and sex.

32. States parties, in order to support legal reform and policy formulation, should collect, analyse and disseminate data disaggregated by age and sex and so provide information on the situation of older women, including those living in rural areas, in areas of conflict, older women belonging to minority groups, and older women with disabilities. Such data should especially focus on, amongst other issues: poverty, illiteracy, violence, unpaid work, including care-giving to those living with or affected by HIV/AIDS, and migration, as well as access to health care, housing, social and economic benefits and employment.

33. States parties should provide older women with information on their rights and how to access legal services. They should train the police, the judiciary as well as legal aid and paralegal services on the rights of older women and sensitize and train public authorities and institutions on age- and gender-related issues that affect older women. Information, legal services, effective remedies and reparation must be made equally available and accessible to older women with disabilities.

34. States parties should enable older women to seek redress for and resolve infringements of their rights, including the right to administer property and ensure that older women are not deprived of their legal capacity on arbitrary or discriminatory grounds.

35. States parties should ensure that climate change and disaster risk reduction measures are gender-responsive and sensitive to the needs and vulnerabilities of older women. States parties should also facilitate the participation of older women in decision-making for climate change mitigation and adaptation.

### **Stereotypes**

36. States parties have an obligation to eliminate negative stereotyping and modify social and cultural patterns of conduct that are prejudicial and harmful to older women and thereby reduce the physical, sexual, psychological, verbal and economic abuse that older women, including older women with disabilities, experience based on negative stereotyping and negative cultural practices.

### **Violence**

37. States parties have an obligation to recognize and prohibit violence against older women, including those with disabilities, in legislation on domestic violence, sexual violence and violence in institutional settings. States parties should investigate, prosecute

and punish all acts of violence against older women, including those committed as a result of traditional practices and beliefs..

38. State parties should pay special attention to the violence suffered by older women in times of armed conflict, the impact of armed conflicts on their lives, and the contribution that older women can make to the peaceful settlement of conflicts as well as to reconstruction processes. When addressing sexual violence, forced displacement and the conditions of refugees during armed conflict, States parties should give due consideration to the situation of older women. States parties should take into account relevant UN resolutions on women and peace and security when addressing such matters, including, in particular, Security Council resolutions 1325 (2000), 1820 (2008) and 1889 (2009).

### **Participation in public life**

39. States parties have an obligation to ensure that older women have the opportunity to participate in public and political life and hold public office at all levels and that older women have the necessary documentation to register to vote and run as candidates for election.

### **Education**

40. States parties have an obligation to ensure equality of opportunity in the field of education for women of all ages and to ensure that older women have access to adult education and lifelong learning opportunities as well as to the educational information they need for their well-being and that of their families.

### **Work and pension benefits**

41. States parties have an obligation to facilitate the participation of older women in paid work without facing any discrimination based on their age and sex. States parties should ensure that special attention is paid to overcome problems that older women might face in the working life and that they are not forced into early retirement or similar solutions. States parties should also monitor the impact of gender pay gaps on older women.

42. States parties have an obligation to ensure that retirement ages in both the public and private sectors do not discriminate against women. Consequently, States parties have an obligation to ensure that pension policies do not discriminate against women, even when they opt to retire early, and that all older women who worked have access to adequate pensions. States parties should adopt all appropriate measures, including, where necessary, temporary special measures, to guarantee such pensions.

43. States parties should ensure that older women, including those who have responsibility for the care of children, have access to appropriate social and economic benefits such as childcare benefits, as well as access to all necessary support when caring for elderly parents or relatives.

44. States parties should provide adequate non-contributory pensions on an equal basis with men to all women who have no other pension or insufficient income security and State-provided allowances should be available and accessible to older women, particularly those living in remote or rural areas.

### **Health**

45. States parties should adopt a comprehensive health care policy for the protection of the health needs of older women in keeping with General Recommendation 24 on women and health. This should ensure affordable and accessible health care to all older women through, where appropriate, the elimination of user fees for them, the training of health workers in

geriatric illnesses, the provision of medicine to treat age-related chronic and non-communicable diseases, long term health and social care, including care that allows for independent living, and palliative care. This should also include interventions promoting behavioural and lifestyle changes to delay onset of health problems, such as healthy nutritional practices and active living, and affordable access to healthcare services, including screening and treatment for diseases, in particular those most prevalent among older women. Health policies must also ensure that health care provided to older women, including those with disabilities, is based on the free and informed consent of the person concerned.

46. States parties should adopt special programmes tailored to address the physical, mental, emotional, and health needs of older women with special focus on women belonging to minorities and women with disabilities and those tasked with caring for grandchildren and other young family dependants due to the migration of young adults or caring for family members living with or affected by HIV/AIDS.

### **Economic empowerment**

47. States parties have an obligation to eliminate discrimination in all its forms against older women in the areas of economic and social life. They should remove any barriers based on age and sex to access agricultural credit and loans and ensure access to appropriate technology for older women farmers and small land holders. States parties should provide special support systems and collateral-free microcredit as well as encourage micro-entrepreneurship for older women. States parties should also create recreational facilities for older women and provide outreach services to older women who are confined to their homes. States parties should provide affordable and appropriate transportation to enable older women, including those living in rural areas, to participate in economic and social life, including community activities.

### **Social benefits**

48. States Parties should take necessary measures to ensure access of older women to adequate housing that meet their specific needs and remove architectural and other barriers hindering the mobility of older persons and leading to forced confinement. States parties should provide social services that enable older women to remain at home and live independently for as long as possible. States parties should ensure that laws and practices affecting older women's right to housing, land and property are abolished. States parties also should protect older women against forced evictions and homelessness.

### **Rural and other vulnerable older women**

49. States parties should ensure that older women are included and represented in rural and urban development planning processes. States parties should provide affordable water, electricity and other utilities to older women. Policies to increase access to safe water and adequate sanitation should ensure that related technologies are designed so that they are accessible and do not require undue physical strength.

50. States parties should ensure the protection of older women with refugee status or who are stateless, as well as those who are internally displaced or are migrant workers, through the adoption of gender- and age-sensitive appropriate laws and policies.

### **Marriage and family life**

51. States parties have an obligation to repeal all legislation that discriminates against older women in marriage and upon its dissolution, including in the areas of property and inheritance.



52. States parties must repeal all legislation that discriminates against older widows in respect of property and inheritance and protect them from land grabbing. They must adopt laws of intestate succession that comply with their obligations under the Convention. Furthermore, they should take measures to end practices that force older women to marry against their will and should ensure that succession is not conditioned on forced marriage to a deceased husband's sibling or any other person.

53. States parties should discourage and prohibit polygamous unions, in accordance with General Recommendation No. 21, and ensure that upon death of a polygamous husband, his estate is shared among the wives and their respective children on a basis of equality.

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