



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

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## Committee on the Elimination of Discrimination against Women

### 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 “the Committee”), concerned about the multiple forms of discrimination experienced by older women and that older women’s rights are not systematically addressed in the reports of States parties, decided at its forty-second session, held from 20 October to 7 November 2008, pursuant to article 21 of the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter “the Convention”), to adopt a general recommendation on older women and protection of their human rights.

2. In its decision 26/III of 5 July 2002, the Committee acknowledged 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 (temporary special measures) also recognizes that age is one of the grounds on which women may suffer multiple forms of discrimination. In particular, the Committee recognized the need for statistical data, disaggregated by age and sex, in order 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> Committee on Economic, Social and Cultural Rights general comment No. 6 on the

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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.



economic, social and cultural rights of older persons (1995), and general comment No. 19 on the right to social security (2008).

## **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, globally. It is estimated that by 2050, the number of older people will be 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. While 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 United Nations 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, due to improved living standards and basic health-care systems as well as declines in fertility and rising longevity, can be considered a successful outcome of development efforts and one that is set to continue, making the twenty-first century, the century of ageing. However, such demographic changes 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 increase from 8 per cent in 2010 to 20 per cent by 2050,<sup>7</sup> while the proportion of children will decrease 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 for developing countries. The ageing of society is 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, however, their economic and social situation is dependent on a range of demographic, political, environmental, cultural, social, individual and family factors. The contribution of older women in public and private life as leaders in their communities, entrepreneurs, caregivers, advisers, mediators, among other roles, is invaluable.

## **Purpose and objective**

9. This general recommendation on older women and promotion of their rights explores the relationship between 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 to be assumed by States parties with regard to ageing with dignity and older

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<sup>6</sup> United Nations Department of Economic and Social Affairs, Population Ageing and Development 2009 Chart, available at <http://www.un.org/esa/population/publications/ageing/ageing2009.htm>.

<sup>7</sup> Ibid.

<sup>8</sup> United Nations Department of Economic and Social Affairs, Population Division, World Population Prospects: The 2008 Revision Population Database, <http://esa.un.org/unpp/index.asp?panel=1>.

<sup>9</sup> Ibid.

women's rights, and includes policy recommendations aimed at mainstreaming the responses to the concerns of older women into national strategies, development initiatives and positive action so that older women can fully participate in society without discrimination and on an equal basis with men.

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

### **Specific areas of concern**

11. While both men and women experience discrimination as they become older, older women experience ageing differently. The impact of gender inequality 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. Concrete forms of discrimination against older women may differ considerably under various socio-economic circumstances and in various sociocultural environments, depending on the equality of opportunities and choices regarding education, employment, health, family and private life. In many countries, the lack of telecommunication skills, access to adequate housing, social services and the Internet, loneliness and isolation pose problems for older women. Older women living in rural areas or urban slums often suffer a severe lack of basic resources for subsistence, income security, access to health care, information on and enjoyment of their entitlements and rights.

13. The discrimination experienced by older women is often multidimensional, with the age factor compounding other forms of discrimination based on gender, ethnic origin, disability, poverty levels, 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, internally displaced or stateless often experience a disproportionate degree of discrimination.

14. Many older women face neglect as they are no longer considered useful in their productive and reproductive roles, and are seen as a burden on their families. Widowhood and divorce further exacerbate discrimination, while lack of or limited access to health-care services for diseases and conditions, such as diabetes, cancer, hypertension, heart disease, cataract, osteoporosis and Alzheimer, prevent older women from enjoying their full human rights.

15. The full development and advancement of women can only be achieved through a life-cycle approach that recognizes and addresses the different stages of women's lives –from childhood through adolescence, adulthood and old age– and the impact of each stage on the enjoyment of human rights by older women. The rights enshrined in the Convention are applicable at all stages of a woman's life. However, in many countries, age discrimination is still tolerated and accepted at the individual, institutional and policy levels, and few countries have legislation prohibiting discrimination based on age.

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

17. Older women are often discriminated against through restrictions that hamper their participation in political and decision-making processes. For example, lack of identification documents or transportation may prevent older women from voting. In some countries, older women are not allowed to form or participate in associations or other non-governmental groups to campaign for their rights. Further, the mandatory retirement age may be lower for women than for men, which may be discriminatory against women, including those who 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 migrant workers or internally displaced, 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 or legal documents and/or are resettled far from health-care facilities. They may also experience cultural and language barriers in accessing services.

19. Employers often regard older women as non-profitable investments for education and vocational training. Older women also do not have equal opportunities to learn modern information technology, nor the resources to obtain them. Many poor older women, especially those with disabilities and those living in rural areas, are denied the right to education and receive 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 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. Moreover, gender-based discrimination in employment throughout their life has a cumulative impact in old age, forcing older women to face disproportionately lower incomes and pensions, or even no pension, compared with men. In general comment No. 19, the Committee on Economic, Social and Cultural Rights recognizes that non-contributory pensions will be required in most States since it is unlikely that everyone will be covered by contributory schemes (para. 4 (b)), while article 28, paragraph 2 (b) of the Convention on the Rights of Person with Disabilities provides for social protection for older women, particularly those with disabilities. Since the old-age pension payable is usually closely linked to earnings during active life, older women often end up with lower pensions compared with men. Furthermore, older women are particularly affected by discrimination on the basis of age and sex, which results in a different mandatory retirement age than that for men. Women should be subject to an optional retirement age so as to protect older women's right to continue working if they wish to and to accumulate pension benefits, where applicable, at par with men. It is a known fact that many older women care for, and are sometimes the sole caregivers of, dependent young children, spouses/partners or elderly parents or relatives. The financial and emotional cost of this unpaid care is rarely recognized.

21. Older women's right to self-determination and consent with regard to health care are not always respected. Social services, including long-term care, for older women might be disproportionately reduced when public expenditure is cut. Post-menopausal, post-reproductive and other age-related and gender-specific physical and mental health conditions and diseases tend to be overlooked by research, academic studies, public policy and service provision. Information on sexual health and HIV/AIDS is rarely provided in a form that is acceptable, accessible and appropriate for older women. Many older women do not have private health insurance, or are excluded from State-funded schemes because they did not contribute to a scheme during their working life in the informal sector or providing unpaid care.

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

23. Microcredit and finance schemes usually have age 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 cultural, recreational and community activities, which leaves them isolated and has a negative impact on their well-being. Often, not enough attention is given to the requirements 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 even 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 right to water, food and housing is part of the everyday life of many poor, rural older women. Older women may not be able to afford proper food due to a combination of factors such as the high price of food and the inadequacy of their income—due to discrimination with regard to employment—, social security and access to resources. Lack of access to transportation can prevent older women from accessing social services or participating in community and cultural activities. Such lack of access may be due to the fact that older women have low incomes and the inadequacy of public policy in providing affordable and accessible public transport to meet the needs of older women.

25. Climate change impacts differently on women, especially older women who, due to their physiological differences, physical ability, age and gender, as well as social norms and roles and an inequitable distribution of aid and resources relating to social hierarchies, are particularly disadvantaged in the face of natural disasters. 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 support payments from the deceased's estate. However, in reality, such provisions are seldom enforced, and widows are often left destitute. Some laws particularly discriminate against older widows, and some widows are victims of "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. The Committee's general recommendation No. 21 (1994) states that "[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" (para. 14). Nevertheless, polygamy is still practised in many States parties, and many women are in polygamous unions. Older wives are often neglected in polygamous marriages once they are no longer considered to be reproductively or economically active.

## Recommendations

### General

29. State parties must recognize that older women are an important resource to society, and have the obligation to take all appropriate measures, including legislation, to eliminate discrimination against older women. States parties should adopt gender-sensitive and age-specific policies and measures, including temporary special measures, in line with article 4, paragraph 1 of the Convention and general recommendations No. 23 (1997) and No. 25

(2004) of the Committee, to ensure that older women participate fully and effectively in the political, social, economic, cultural and civil life, 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 in times of both peace and conflict, as well as in the event of any man-made and/or natural disaster. 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 ensure that the principle of gender equality applies throughout women's life cycle, in legislation and in the practical implementation thereof. In this regard, States parties are urged to repeal or amend existing laws, regulations and customs that discriminate against older women, and ensure that legislation proscribes discrimination on the grounds of age and sex.

32. In order to support legal reform and policy formulation, States parties are urged to collect, analyse and disseminate data disaggregated by age and sex, so as to have information on the situation of older women, including those living in rural areas, areas of conflict, belonging to minority groups, and with disabilities. Such data should especially focus, among other issues, on poverty, illiteracy, violence, unpaid work, including care-giving to those living with or affected by HIV/AIDS, migration, 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, 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, so as to reduce the physical, sexual, psychological, verbal and economic abuse that older women, including those with disabilities, experience based on negative stereotyping and cultural practices.

### **Violence**

37. States parties have an obligation to draft legislation recognizing and prohibiting violence, including domestic, sexual violence and violence in institutional settings, against older women, including those with disabilities. States parties have an obligation to 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 the lives of older women, and the contribution that older women can make to the peaceful settlement of conflicts and to reconstruction processes. States parties should give due consideration to the situation of older women when addressing sexual violence, forced displacement and the conditions of refugees during armed conflict. States parties should take into account relevant United Nations 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 equal 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 discrimination based on their age and gender. States parties should ensure that special attention is paid to addressing problems that older women might face in their working life, and that they are not forced into early retirement or similar situations. States parties should also monitor the impact of gender-related pay gaps on older women.

42. States parties have an obligation to ensure that the retirement age in both the public and private sectors do not discriminate against women. Consequently, States parties have an obligation to ensure that pension policies are not discriminatory in any manner, even when women opt to retire early, and that all older women who have been active 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 the 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-funded allowances should be made 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 aimed at protecting the health needs of older women in line with the Committee's general recommendation No. 24 (1999) on women and health. Such policy should ensure affordable and accessible health care to all older women through, where appropriate, the elimination of user fees, training of health workers in geriatric illnesses, 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. Long-term care provisions should include interventions promoting behavioural and lifestyle changes to delay the onset of health problems, such as healthy nutritional practices and an active lifestyle, and affordable access to health-care services, including screening for and treatment of 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 the physical, mental, emotional and health needs of older women, with special focus on women belonging to minorities and women with disabilities, as well as women tasked with caring for grandchildren and other young family dependants due to the migration of young adults, and women 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 economic and social life. All barriers based on age and gender to accessing agricultural credit and loans should be removed and access to appropriate technology for older women farmers and small landholders should be ensured. States parties should provide special support systems and collateral-free microcredit, as well as encourage micro-entrepreneurship for older women. Recreational facilities for older women should be created and outreach services should be provided 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 older women have access to adequate housing that meet their specific needs, and all barriers, architectural and other, that hinder the mobility of older persons and lead to forced confinement should be removed. States parties should provide social services that enable older women to remain in their homes and live independently for as long as possible. Laws and practices that negatively affect older women's right to housing, land and property should be abolished. States parties should also 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 ensure the provision of affordable water, electricity and other utilities to older women. Policies aimed at increasing access to safe water and adequate sanitation should ensure that the related technologies are accessible and do not require undue physical strength.

50. States parties should adopt appropriate gender- and age-sensitive laws and policies to 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.

#### **Marriage and family life**

51. States parties have an obligation to repeal all legislation that discriminates against older women in the area of marriage and in the event of its dissolution, including with regard to 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 ensure that succession is not conditional 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 the death of a polygamous husband, his estate is shared equally among his wives and their respective children.

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