

# **CONCEPT NOTE ON THE DRAFT GENERAL RECOMMENDATION ON OLDER WOMEN AND PROTECTION OF THEIR HUMAN RIGHTS**

## **INTRODUCTION**

1. The Committee on the Elimination of Discrimination Against Women decided at its forty second (42<sup>nd</sup>) session, in pursuance of article no. 21 of the Convention, to adopt a new General Recommendation on Older Women and protection of their human rights. This new GR on Older Women will explore the relationship between all the articles in the convention and ageing. It will outline the content of the obligation assumed by States as Parties to the Convention from the perspectives of ageing with dignity and older women's rights as well as multiple forms of discrimination they face as they age.

2. The GR on Older Women will also include policy recommendations for mainstreaming the concerns of older women into national strategies and development initiatives so that older women can participate fully without discrimination and on the basis of equality. The proposed GR will also provide guidance to both States Parties and NGOs on the inclusion of older women's rights in their reporting.

## **BACKGROUND, PURPOSE AND OBJECTIVES OF THE GENERAL RECOMMENDATION ON OLDER WOMEN**

3. The gendered nature of ageing reveals that women tend to live longer than men and more older women live alone than men. The then UN Secretary General KOFI ANNAN stated at the 2<sup>nd</sup> UN World Assembly on Ageing in Madrid in 2002 that "The world is undergoing an unprecedented demographic transformation. Between now and 2050, the number of older persons will rise from about 600 million to almost two billion. In less than 50 years from now for the first time in history, the world will contain more people over 60 years old than under 15". In fact demographic ageing is happening faster than then predicted. Current UN figures estimate that in a mere 36 years there will be more people over 60 than children under 15 globally. They estimate the number of older people in 2050 at over 2 billion, or 22% of the global population, an unprecedented doubling of the present 11% of the population that is over 60<sup>1</sup>.

4. This unprecedented demographic ageing, due to the improvement of living standards and basic health care systems, is a success of development efforts and set to continue, making the 21st century the century of ageing. But these changes in population structures have profound human rights implications and increase the urgency of addressing discrimination experienced by older women through the CEDAW Convention. At present there is no other legally binding international human rights instrument to specifically address these issues.

5. Though the issue of ageing is shared by both developed and developing countries, population aging is poised to become a major issue in developing countries. According to the UN Population Division, currently 64% of older people live in less developed countries, by 2050 this figure will rise to 80%. The proportion of older persons in less developed countries is expected to rise from 9 to 20 per cent by 2050, while that of children will fall from 30 to 20 per cent. The number of older women living in less developed regions will

---

<sup>1</sup> Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, *World Population Prospects: The 2008 Revision*, <http://esa.un.org/unpp>, Thursday, April 09, 2009; 5:06:41 AM.

increase by 600 million between 2010-2050. This demographic shift presents major challenges in developing countries<sup>2</sup>.

6. The GR on Older Women's human rights will follow the principles stated in the UN Principles for Older Persons (1991), the Madrid Plan of Action on Ageing (2002) and the International Plan of Action on Ageing adopted at the first World Assembly on Ageing in Vienna (1983) that human rights are inalienable and all human beings have the right to grow old with dignity. The United Nations Principles for Older Persons provides guidance in the areas of independence, participation, care, self-fulfillment and dignity, which are important pillars of human rights of older women when they are enjoyed on the basis of equality.

7. Older women must not be viewed as victims but recognized for the positive economic and social contributions that they have made throughout their life to their family and the society at large. They must also be valued independently of their economic contribution. They must not be discriminated on the grounds of age and gender. Older women's needs vary depending on their age and physical condition. Policy analysis needs to recognize and take into account this reality. Good health, economic security, adequate housing, and employment are important aspects of ageing with dignity.

## **OLDER WOMEN AND DISCRIMINATION**

8. Discrimination of older women is often based on deep rooted cultural and social ties. Both men and women experience discrimination based on old age but older women experience ageing differently. The impact of gender inequalities throughout their life span obviously reflects in old age and often results in unfair resource allocation, maltreatment, abuse, gender based violence and prevention of access to basic services. Older women often face discrimination in the work place, around ownership of, and access to, land due to discriminatory inheritance laws and practices. In many cases they are deprived of full inclusion and participation in social, economic, cultural and political affairs.

9. Negative stereotyping of older women, inadequate old age pensions and the impact of climate change, natural disasters and armed conflict are specific areas of vulnerability and challenges. Their care giving roles and increased parental responsibilities for grandchildren in the case of economic migration and the impact of HIV and AIDS are important contributions that older women make to their families but which often go unrecognized and under valued.

10. Older women who are poor or disabled or belong to minorities often experience multi-sectoral discrimination. Many older women face neglect as they are considered no longer economically or reproductively useful, and seen as a burden on their families. In addition, widowhood, divorce, lack of care givers for older women, postmenopausal difficulties and absence of geriatric medicine and health care are other grounds of discrimination that prohibit older women from enjoying their human rights.

## **OLDER WOMEN'S RIGHTS AND THE CEDAW CONVENTION**

11. The Convention On The Elimination Of All Forms Of Discrimination Against Women is an important tool for addressing the human rights of older women as well as elimination of discrimination they face throughout their lifespan. The Committee has expressed their

---

<sup>2</sup> Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, *World Population Prospects: The 2008 Revision*, <http://esa.un.org/unpp>, Thursday, April 09, 2009; 5:06:41 AM

concerns about the lack of statistical data disaggregated by age and sex, abuse, neglect, violence against older women and insecurity in financial, medical and housing needs including exclusion from national ID network, which cumulatively expose them to multiple forms of discrimination.

12. The Committee has increasingly addressed in its concluding observations, list of issues and during constructive dialogue the discrimination faced by older women in various countries on a range of issues, for example, in the list of issues for Japan, (2008) older women's medical needs were mentioned. Another example is the reference to lack of identity documentation in the concluding observations for Mozambique (2007).

13. However, despite the Committee's concern for the situation of older women, their rights are not systematically addressed either in State reports or NGO shadow reports. In the majority of cases, older women and the discrimination that they experience remains invisible.

14. The GR on Older Women would enable the committee to focus on specificities so that effective recommendations and guidance could be provided to the States Parties. It would also give older women and their rights a greater visibility and priority amongst States parties, NGOs and the wider UN human rights system .The GR on Older Women would contribute towards the fulfillment of Secretary General Ban Ki Moon's call on the International Day of Older Persons, 1st October 2008 that "Let us redouble our efforts to realize the rights of older persons, and make the dream of a society for all ages a reality."

## **SOME SPECIFIC AREAS OF CONCERN AND RECOMMENDATIONS UNDER THE CONVENTION**

### **Article 2, Article 3**

15. Full realization of all human rights and fundamental freedoms of older women including the elimination of gender based discrimination.

16. There are so many legislations and practices in different countries that discriminate against older women. For example many older women from rural areas and minority communities do not have access to ID cards and old age allowances that are provided by the Government. It is therefore imperative that States Parties review legislation and practice through both a gender and an age related perspective and take appropriate action.

17. Governments should collect statistical data disaggregated by sex and age on the situation of older women, with indicators on poverty, illiteracy, violence against women, health and housing related issues including care givers for HIV/AIDS, migrant women, rural women, women living in areas of conflict and women belonging to minorities, and disabled women.

### **Article 5, Article 6**

18. Negative stereotyping of older women and traditional harmful practices can be manifested in various forms of elder abuse and violence. Governments should encourage the media to correct negative attitudes towards older women and project positive images of older women regarding their contribution to their families and society as a whole.

## Article 7, Article 8

19. Older women are often discriminated against in terms of participation in public and political positions as well as decision-making positions. Age specific public policies could open opportunities for older women to participate fully and effectively in the political, economic and social spheres of their societies.

## Article 10

20. The illiteracy rates amongst older women are often high especially in rural areas. This illiteracy level is compounded by age discrimination which seriously limits older women's access to information on their rights and their ability to participate in development and community activities. Access to vocational adult education or basic literacy and life skills training are very important to protect their rights as well as ensure access to the basic services.

## Article 11

21. Many older women face discrimination in the work place and are compelled to work in low paid or part time jobs without income security. Very few older women have access to pensions. Retirement ages also may differ between men and women. Many older women due to care giving responsibilities in the family bear the financial penalty of low pensions because of their absence in the labour market. They also bear the physical and emotional cost of stress from balancing work and care giving obligations. States Parties need to take appropriate measures to address these issues.

## Article 12

22. Access to affordable or free health care services is very important for older women in order to enjoy a satisfactory standard of mental and physical health. Post menopausal difficulties and diseases, neglect in disability and absence of geriatric medicine requires special attention. States Parties should adopt a comprehensive health policy for the protection of health needs of older women as stated in the General Recommendation 24 of the Committee.

## Article 13

23. The feminization of poverty is very common among older women due to unequal access to credit and labour markets, unequal remuneration and unremunerated work at home. Governments should provide special support systems and collateral-free micro credit as well as encourage micro entrepreneurship for older women.

## Article 14

24. Special programmes should be tailored to address the physical, mental, emotional, and health needs of older women in rural areas with special focus on women belonging to minorities, migrant women, women living in areas of conflict and women with disabilities.

## Article 15, 16

25. In many countries the state of widowhood or being single due to divorce or never having been married profoundly changes older women's status in society and can result in discrimination both in law and in practice, particularly in terms of property and inheritance rights. Women from minority group suffer more due to above difficulties.

## **EXPECTED OUTCOMES FROM THE PROPOSED MEETING WITH UN ENTITIES, NGOs AND GENDER EXPERTS**

1. Evaluate how the General Recommendation on Older Women would strengthen the existing reporting process and implementation of the Convention with regard to older women's rights.
2. Identify good national and global practices on the protection and promotion of older women's rights as well as measures to prevent discrimination, neglect, abuse and violence.
3. Understand the present status of older women's rights in different regions, (Africa, Asia, Europe, Latin America and the Caribbean, North America and Oceania) as well as recent laws and policies adopted by different countries on older women's rights.
4. Make recommendations for strengthening the rights of older women both at national and international levels.