

AGEING, DISCRIMINATION AND OLDER WOMEN'S HUMAN RIGHTS
FROM THE PERSPECTIVES OF CEDAW CONVENTION

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INTRODUCTION

Population ageing is a global phenomenon due to improvements in basic health care and living standards as well as declines in fertility rates and rising longevity. Both men and women face discrimination due to old age, but women experience ageing differently. Gender relations structure the entire life cycle, from birth to old age, influencing access to resources and opportunities and shaping life choices at every stage. Good health, economic security and adequate housing are essential requirements of ageing with dignity, but older women in both developed and developing countries face difficulties in accessing these on a basis of equality with men.

The impact of gender inequalities in respect of education and employment opportunities and access to health services widens at every stage of individual life. As a result, older women are more likely than older men to suffer due to poverty and deprivation of basic needs. Former UN Secretary General Kofi Annan stated in March 1999, during the International Year of Older Persons, "Women comprise the majority of older persons in all but a few countries. They are more likely than men to be poor in old age, and more likely to face discrimination."

The CEDAW Convention, as a land mark tool for setting out global normative standards of gender equality, ensured its implementation nationally by the 186 States Parties who ratified the Convention, through the monitoring and guidance of the CEDAW Committee. This has

significantly increased the responsibility of states for women's enjoyment of their human rights, including older women.

The CEDAW Committee recognized that age is one of the grounds on which women suffer multiple forms of discrimination, and the Convention is an important tool for addressing these specific issues of deprivation and violations of the human rights of older women.

On the basis of this reality the CEDAW Committee, at its 42nd session, took a ground breaking decision to adopt a General Recommendation on older women and protection of their human rights. This General Recommendation will explore the relationship between all the articles of the convention and ageing, from the perspective of gender and older women's rights, as well as multiple forms of discrimination women face as they age. The proposed General Recommendation will also provide guidance to both States Parties and NGOs on the inclusion of older women's rights in their reporting.

The GR on Older Women would enable the committee to focus on specifics 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, when he said "Let us redouble our efforts to realize the rights of older persons, and make the dream of a society for all ages a reality."

DEMOGRAPHIC AGEING

The gendered nature of ageing reveals that women tend to live longer than men and more older women live alone than men. The then Secretary General Kofi Annan stated at the 2nd 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 60.¹ The majority of older persons are women, their percentage being 55. As per statistics from UNDESA 80% of men over 60 are married compared to only 48% of older women. There are 82 men for every 100 women at the age of 60; there are only 55 for every 100 women at the age of 80. Older women continue to outnumber older men.

This unprecedented demographic ageing in population structures has profound human rights implications and increases the urgency of addressing the discrimination experienced by older women through the CEDAW Convention. At present there is no other legally binding international human rights instrument to specially address these issues. In reality older women are invisible in the application of human rights law.

CEDAW CONVENTION AND OLDER WOMEN'S HUMAN RIGHTS

The Convention on the Elimination of All Forms of Discrimination against Women is a living instrument to protect the human rights of older women as it is mandated to eliminate all forms of discrimination against women throughout their lifespan. On 1st February 2002, at the Second World Assembly on Ageing, held in Madrid, this Committee adopted a statement to the effect that "special attention be focused on the special needs of older women." The Committee recommended that the physical, financial and emotional needs of older women should be addressed and older women's access to health care should be improved. The committee placed strong emphasis on the need for Governments to collect and analyze statistical data

¹Population 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.

disaggregated by sex and age as a way to assess more effectively their living conditions, the incidence of poverty among them and violence against them, as well as to implement gender sensitive policies with a life-cycle approach to older women's economic and social well-being and empowerment.

The Committee has increasingly addressed in its concluding observations, during constructive dialogue and in its list of issues and questions, as well as through follow up mechanism, the discrimination faced by older women in various countries in a wide range of areas. For example, in the list of issues for Japan (2008), older women's medical needs were mentioned. Another example is the reference to a lack of identity documentation in the concluding observations for Mozambique (2007). In January 2010, at the 45th CEDAW session in Geneva, older women's issues were raised by the committee members for all eight reporting countries, especially in the case of Malawi, where the issues included witchcraft allegations, mob trials, and killing of older widows in order to grab their property. In the case of the Netherlands, health care systems for older women were an issue. 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 they experience remain invisible. A real life story can illustrate the invisible status of older women clearly. Recently, in Finland, an elderly woman was discovered in her apartment two and a half years after her death. CEDAW Member from Finland, Mr. Niklas Bruun, has shared this evidence with the author.

To ensure older women's enjoyment of their human rights and fundamental freedoms, States Parties are under the obligation to respect, protect, promote and fulfill these rights. The Convention focuses on discrimination, as women tend to suffer disproportionately from various forms of discrimination. Ageing makes this situation more complex. The Committee has expressed its concern about the lack of statistical data, disaggregated by age and sex, regarding abuse, neglect and violence against older women, and also their insecurity in respect of their financial, medical and housing needs, including their exclusion from national ID networks, which cumulatively expose them to multiple forms of discrimination.

Older women must not be viewed as victims, but recognized for the positive economic and social contributions they have made throughout their lives, both to their families and to society at large. They must also be valued independently for their economic contribution. They must not be subjected to discrimination on grounds of age or gender. Older women's needs vary according to their age and physical condition. Policy makers need to recognize this reality and take it into account.

OLDER WOMEN AND DISCRIMINATION

The rights of older women may be violated either on the individual level or on the institutional level. Violation of rights often manifests itself in various forms of discrimination. Discrimination against older women is often based on deep-rooted cultural and social bias. The impact of gender inequalities throughout a woman's life span is obviously reflected in old age, and it 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. Their ownership of, or access to, land may be restricted due to discriminatory inheritance laws and practices. In many cases they are marginalized and deprived of participation on equal terms in the social, economic, cultural and political activities of their society.

Gender and age discrimination, accompanied by physical and emotional vulnerability, unsatisfactory arrangements for independent living and insufficient appreciation and estimation as members of their family or community, make the life of an older woman more difficult, as their rights are often violated. As many women age and their independence declines, they become more vulnerable to abuse, exploitation and violence. Older women in prison, older sex workers and older disabled women face especially severe neglect and abuse as they age; they also face insecurity in respect of their financial, medical and other basic needs.

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. Older women often play a crucial role as care-givers and parent substitutes in families affected by economic

migration or the HIV and AIDS, but these important contributions often go unrecognized and undervalued.

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

AGEING IN DEVELOPED AND DEVELOPING COUNTRIES

Though the issue of ageing is shared by both developed and developing countries, population ageing is poised to become a particularly thorny 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 increase by 600 million between the years 2010-2050.

There are some major demographic differences between developed and developing countries. The population in developed countries is concentrated in urban areas, whereas in developing countries a higher percentage of older persons live in rural areas, often in multi-generational households. Due to this different socio-economic background as well as differences in age groups, policy actions will be different in developed and developing countries. Population aging is poised to become a major issue in developing countries, as population rapidly ages in the first

half of the 21st century. This demographic shift presents major challenges in resource allocation in developing countries.²

OLDER WOMEN'S RIGHTS UNDER MAJOR INTERNATIONAL HUMAN RIGHTS MACHINERY

Age is rarely specified as a prohibited ground for discrimination under international human rights law. Incorporation of a gender perspective in all policy actions on ageing as well as elimination of discrimination on the basis of age and gender is a great challenge in today's world. The UN's concerns on ageing were first recognized in the first World Assembly on Ageing, in Vienna in 1983, where an International Plan of Action on Ageing was adopted, outlining the rights of older persons. In 1991 the UN adopted a set of principles for older persons. But these do not have the status of legally enforceable rights. In 1991 the UN earmarked 1st October as the International Day for Older Persons, and giving recognition to older persons' contribution to development. The Second World Assembly on Ageing, which took place in Madrid in 2002, adopted the Madrid International Plan of Action on Ageing, with the aim of putting ageing in the mainstream of development processes and promoting and protecting the human rights and fundamental freedoms of all older persons, including rights to development, so that they can participate fully in the development process on the basis of equality. Combating discrimination based on age and promoting the dignity of older persons is an important goal of this Plan of Action.

But this plan does not have a binding commitment on Governments in respect of implementation or provision of additional resources. It also lacks any mechanism for monitoring implementation, including the incorporation of a gender perspective in all policy actions on aging.

²Population 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

However the major United Nations Treaty Bodies, conferences and summits have set goals, objectives and commitments which intend to improve the economic and social conditions of all human beings. The Convention on the Rights of Persons with Disabilities (2008) protects the rights of older disabled people, including the right to social protection, and calls for the provision of age sensitive responses throughout. The International Convention on the Protection of the Rights of all Migrant Workers and Members of their families (1990) lists age as one of the grounds on which State Parties must not discriminate against migrant workers or their families. The Committee on Economic, Social and Cultural Rights (General Comment 6) States that States Parties should pay particular attention to older women who are often in critical situations with no entitlement to an old age or widow's pension. The protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa (2003), Beijing Declaration and platform for action(1995), the Programme of Action of the International Conference on Population and Development(1995), explicitly prohibit discrimination against older women based on age, stating their right to freedom from violence and right to be treated with dignity.

OLDER WOMEN IN DIFFERENT REGION AND EXAMPLES OF GOOD PRACTICES

ASIA

In South Asian countries older people mostly live with their extended families, that is to say with sons or daughters and/or grandchildren. Despite the strains on traditional support systems caused by migration and urbanization, the social expectation is that the family will take care of their older members.

In many rural areas a large proportion of older people live in multigenerational households with inadequate facilities. In many cases they are treated as a burden to their families and suffer from abuse and neglect. Reporting of accusations of abuse within long term care facilities from family members or caregivers are very common. In most cases state support and national legal systems fail to sufficiently protect them.

Widowhood for women over 60 is most prevalent in Northern Africa and Central Asia. About 10% of women in India are widows, compared to only 3% of men according to 1991 census. Widowhood, along with poverty, illiteracy, childlessness, social isolation and displacement, put older women at risk of physical, sexual or verbal abuse and neglect.

The Government of Bangladesh adopted a new social protection mechanism to benefit poor older persons, which is called 'old age allowances'. This programme has already demonstrated improvement in the economic condition of older women. Issuance of voter identification cards for all adults, including older men and women, has generated a sense of security in old age. Because of the close social system, family ties and respect for older people, elder abuse is not a major issue in Bangladesh. Family pension / widow's pension are available in the public sector.

In some countries, including Bangladesh, the retirement age in the public sector is 57 years, which is not appropriate considering the longevity of the people in general. Retirement age should not be less than 65 years to create opportunities for older people over 60 so that they can utilize their productive years for the benefit of the society and can establish their positive image in the country.

At present China has 143 million people aged over 60 which could rise to about 15% of the population by 2030 and 23% in 2050. China's strict population policy, aimed at containing the population at 1.3 billion, bars urban couples from having more than one child, and this has inflated the proportion of elderly people in the population. Chinese demographers predict that the burden of elderly will have a negative impact on national health and pension budgets if the Government fails to cope with the situation with adequate budget allocations.

The China National Committee on ageing has taken several positive measures to address these challenges. They are offering tax breaks to investors working in the ageing industries such as hospitals, homes and other industries for senior citizens. Chinese enterprises in growing numbers are investing money, manpower and imagination into developing products especially for senior citizens.

One pioneering company, Jialantu, based in the southern Chinese city of Shenzhen, has developed a mobile phone tailor-made for aged people. Online shops are also growing for elderly people, who need home delivery. Quite a large number of elderly Chinese people and couples are regularly doing exercise in the parks. This is a common scene every morning. It tells about their change of attitude towards age, health and hygiene. In China most of the elderly people live with family. But due to the one child policy, if the sole young person moves to the city for employment, the elderly will be left alone at home. This is now one of the big challenges for them.

The Royal Government of Bhutan in their National Plan of Action for Gender 2008-2013 included ageing and mental health issues as a priority area due to rapid ageing of population which requires an urgent need to estimate and project changing levels and trends in older health, care of elderly, mental health of elderly population.

AFRICA

In Sub-Saharan Africa, women traditionally enjoyed status in their later years as healers or teachers of traditional skills. But research carried out by HelpAge International reveals that in some regions of Mozambique, Tanzania, Ghana and Burkina Faso older women are often subjected to accusations of witchcraft which can result in psychological abuse, violence and in extreme cases, killing of older women. Research shows that child mortality and morbidity, gender inequality and social exclusion of older women, plus lack of awareness of older people's rights, are the key underlying factors for witchcraft accusations.

UNITED KINGDOM

In the UK older women are considerably poorer than older men, and the oldest are the poorest. On average, a woman's income in retirement is only 57% of a man's.

This pension deficit has come about due to interrupted employment patterns, low paid work, lack of access to jobs with occupational pensions and rising divorce rates.

Due to continuous pressure from NGO's , Older women's health needs are included in the upcoming Equality Bill of UK.

USA, NEW YORK

During the recent snow storm and century's worst blizzard in NEW YORK in February 2010, US media played a praiseworthy role protecting older people, who are trapped at home .For instance, the NEW YORK ONE TV Channel broadcast appeals to help elderly neighbors who are trapped at home and need food and medicine.

SOME TERMINOLOGY USED IN THIS DRAFT

Old. Who is old? The United Nations defines older people as those 60 years of age and over, and the oldest of the old are those over 80 years of age. But in reality the definition of old age varies in different countries. In developing countries, typically with a large agro-based economy lacking formal social security systems, old age is not linked to retirement, but to the point where an individual ceases to be able to contribute to his own survival.

Age discrimination specifically refers to deeds completed with the intention to reject and restrict opportunities to certain people solely based on their age. This is often associated with ageism. Ageism has significant effects in many areas, including employment, financial services and health care, as well as in the field of education, political participation, access to information, legal capacity, intergenerational relationships, TV and media, insurance and financial services etc.

Age and gender based discrimination specifically refers to deprivation of older women from full inclusion and participation in social, economic, cultural and political affairs because they are women and because they are old. In some countries incidences of neglect, abuse and violence against older women are very common.

Elder abuse refers to a single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress to an older person. There are different types of abuse, such as emotional abuse, physical abuse, sexual abuse or financial abuse.

Neglect refers to deprivation of food, clothing, comfort or medication. Neglect or abuse can occur in the residential care, hospital or in the Nursing home. Neglect or abuse to older person comes mostly from people they know or have some type of relationship where there is a sense of trust. They could be a family member, or a friend or a paid health worker or care giver

SOME SPECIFIC AREAS OF CONCERN AND RECOMMENDATIONS UNDER THE CEDAW CONVENTION

Article 1, Article 2

States Parties should ensure full realization of all human rights and fundamental freedoms of older women including the elimination of gender based discrimination. There are numerous examples of legislation and practice 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. Free identity documentation is required to have easy access to their economic, social, political and civil entitlements. In Bolivia for example, older women need to produce a birth certificate to obtain an identification card which is required for pension or health insurance. But the reality is that most of the older women in rural areas are unable to prove the date or location of their birth. It is therefore imperative that States Parties review legislation and practice through both a gender and an age related perspective and take appropriate action.

The full development and advancement of women cannot be achieved without taking a life cycle approach, recognizing and addressing how the different stages of women's lives,

childhood, adolescence, adulthood and old age have an impact on their enjoyment of human rights. The rights enshrined in the Convention are applicable at all stages of a women's life but, in many countries ageism and age discrimination continue to be tolerated and accepted at the individual, institutional and policy level and very few countries have legislation prohibiting discrimination based on age and gender.

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

In 2003, in the concluding observations of France, the Committee raised concerns about the compounding of discrimination throughout women's lives, which leads to poverty in old age, and recommended research and development of measures to address older women's needs.

Article 3, article 4

Governments should adopt appropriate measures including temporary special measures under Article 4(1) and GR 23 and 25 to eradicate illiteracy among older women, especially in the rural areas and urban slums. In west Asia, for example, illiteracy is high among older women because they did not have access to education opportunities when they were young, as tradition dictated at that time.

States Parties should create opportunities through special measures for older women so that they can participate in the decision making process in the fields of political, social, economic and cultural affairs, without discrimination and on the basis of equality. The States Parties should adopt the United Nations Security Council Resolution 1325 on women, peace and security, where appropriate, to benefit older women under foreign occupation and in the areas of armed conflict, refugee women and internally displaced older women.

States Parties should ensure that emergency responses, after natural disasters and in conflict situations, take into account the needs of older women. They should aim at accelerating de facto equality between men and women in those situations.

Article 5, Article 6

Negative stereotyping of older women and traditional harmful practices can be manifested in various forms of elder abuse and violence. Anecdotal evidence suggests that older women are more likely than older men to suffer violations of their rights in the form of violence and abuse. For example, in Malawi and Tanzania many older widows in rural areas are subjected to witchcraft allegations and face the risk of death from lynching; in Botswana older widows have to wear ugly clothing to mourn their husbands' death. To eliminate this stereotyping attitude against older women, Governments should initiate nationwide reviews of the problems of neglect, abuse and violence against older women.

In order to come up with more effective prevention strategies as well as more effective laws and policies to address the problems and the underlying factors, States Parties need to use media to educate people.

Apart from legislative measures governments should encourage the media to correct negative stereotyping of older women as dependent, fragile and useless; as well as to focus on the positive contributions made by older women towards family and society. According to Help Age International, older women in developing countries often take on the responsibilities of care giving in the family, freeing other family members to work in paid jobs. In this way they are actively contributing to economic development, even though their work is unpaid and they are not wage-earners themselves. Governments should initiate research and prevention programmes, advocacy and information for older women about their rights and ways to access services.

In the concluding observations of Austria in 2000, the Committee called for particular attention to be paid to the physical, emotional and financial abuse of older women in the country. In 2008, the Committee voiced concern about the vulnerable situation of certain groups of

women in Tanzania, including older women. In particular, the committee was concerned about the social situation of those women, including their poverty, as well as reports of intimidation, isolation, abuse and killing, resulting from allegations of witchcraft.

Article 7, Article 8

Older women are often discriminated against in terms of participation in public and political positions as well as decision-making positions. Lack of identity documentation may prevent older women from voting and in some countries older women may not be allowed to form or participate in associations or other non-government groups to campaign for their rights. Further, mandatory retirement ages may differ for women and men and therefore discriminate against older women who wish to represent their Governments at the International level. 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 9

Older women with refugee status or who are stateless or Internally displaced or asylum seekers as well as 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. They are denied access to health care because they lack legal status in the country of asylum, lack legal documentation or experience cultural or language barriers in accessing services.

Article 10

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. In 2003, about 94% of women over 60 in Mozambique were illiterate. In Bolivia according to 2001 census data, about 8 out of every 10 rural women did not read or write. Access to vocational adult education or basic literacy and numeracy training as well as life skills

training are very important to protect their rights and ensure access to the basic services for those older women who have had little education.

In its concluding observations in 2000 the Committee expressed concern regarding illiteracy rates of older women in Romania, and called for measures to improve these.

Article 11

Fewer older women than men are in formal employment. Many older women face discrimination in the workplace 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, thanks to their 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.

In 1998 the Committee voiced concern over the early retirement policies for women, in both the Czech Republic and Bulgaria. In 1999 the Committee called upon Spain to place more emphasis on women's pensions and in 2001, the Committee drew attention to the difference in retirement ages of women and men in Vietnam, and how this negatively affects access of rural women to land. Calls were made for a review of legal provisions regarding retirement age, in order for women to continue working to the same age as men. The Committee also called on Iceland in 2002 to review its pension schemes regarding women.

Amongst the Committee's Concluding Comments regarding Lithuania in 2000, was concern over the high proportion of older women who were unemployed compared to that of men.

Article 12

Access to 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. Older women

face a higher risk of chronic illness and disability as well as from degenerative diseases such as osteoporosis and cervical cancer. In many countries there is inadequate provision of health care for older persons, which amounts to denial of affordable medical care for people especially in rural settings. In particular, inadequate provision of long term care services remains a persistent concern in many countries.

Postmenopausal conditions and diseases tend to be neglected in research, academic studies and public policy and service provisions. In many countries few health personnel are trained in geriatric medicine, and so health care service provision remains inappropriate to older women's physical, functional and mental health needs.

Many poor older women with no private health insurance or access to formal social security cannot afford health care, particularly in rural areas where health posts may be a long distance from where they live and they cannot afford the transport costs. The HIV and AIDS epidemic has had a significant impact on elderly women in a number of ways. In many cases older women have to act as full-time caregivers for relatives living with HIV or AIDS, often to the detriment to their own quality of life. In the case where older women are living with AIDS themselves, it may be the case that there is no one to care for them. Furthermore, older women whose children have died of AIDS are often left destitute.

States Parties should adopt a comprehensive policy for the protection of the health needs of older women, as stated in General Recommendation 24 of the Committee. Governments should provide free and appropriate health care to all older women. This should include the training of health personnel in geriatric illness, and the provision of medicine necessary for the treatment of age related illness including chronic illness and non communicable diseases, and palliative care to ensure that all older women die with dignity

In Tanzania, older women may be prevented from accessing the free health care facilities as they need proper identification documents to prove eligibility. The cost of traveling long distances to health posts is another factor. High levels of illiteracy can further disadvantage women. Furthermore, older women continue to be excluded from HIV and AIDS programmes both as carers and as recipients of information about prevention and care. In the UK, shortfalls

in the availability and quality of social care and health care for older people impact particularly heavily on women. Women constitute the great majority of the oldest people who are the main users of those facilities.

In 2001 the Committee voiced concern regarding the marginalization of older women in health insurance in the Netherlands, and called for special attention to be paid to older women in “Daily Routine” programmes.

Article 13

Poverty is disproportionately 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. States Parties also need to create recreational facilities for older women. The feminization of poverty is very common among older women.

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. Micro credit and finance schemes usually have age limit restrictions or other criteria that prevent older women from accessing them. Many older women who are house bound, are unable to participate in community, cultural and recreational activities, which leaves them isolated and has a negative impact on their wellbeing.

Governments should provide special support systems and collateral-free micro credit as well as encourage micro entrepreneurship for older women. States Parties also need to create recreational facilities for older women.

Article 14

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 and women with disabilities. In rural areas older women are overwhelmingly tasked with caring for grandchildren and other young family dependents due to migration of young adults. Older

women also have to do much care-giving in families affected by HIV and AIDS. The cost of caring for older women needs to be universally recognized and acknowledged.

In many countries the majority of the older women live in rural areas where access to services is made difficult due to their age and poverty levels. Denial of their rights to water, energy, food and housing is very common for rural older women in many parts of the world. Lack of appropriate or affordable transportation can prohibit older women from accessing social services or cultural activities. Poor older women in rural areas are disproportionately affected by climate change and natural disasters. Climate change interventions must address the needs of older women and provide financial and material support to protect their human rights.

In the concluding observations of Lithuania in 2001, concern was raised over the lack of data on older rural women regarding income, access to health and cultural opportunities. This highlighted a call for gender sensitive programmes that address the needs of older women.

Article 15, 16

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 the society and can result in discrimination both in law and in practice, particularly in terms of property and inheritance rights. Women from minority groups suffer more due to these difficulties. Under some statutory and customary laws and practices, women do not have the right to inherit or administer marital property on the death of their spouse. Older women are particularly vulnerable to property grabbing, where family members or others seize a woman's property. Older wives are often neglected in polygamous marriages once they are considered to be no longer reproductively or economically active. Cultural traditional practices known as "widow inheritance" force widowed women to remarry, often without their consent, a relative of their deceased husband.

states Parties should revise discriminatory inheritance and property legislation to ensure that all older women, particularly widows, can inherit and do not have their property illegally taken away from them by others including family members.

In Ethiopia evidence from a local welfare association showed that the majority of older people, mostly women, had been forced out of their homes and assets in the countryside. Older women are especially vulnerable as the death of their husbands leaves them to protect their assets, right and entitlements by themselves. Any violence that older women might suffer whilst their property is being seized is rarely reported to the authorities. Older women do not have any other alternative but to leave for the major towns to earn their living as beggars, living in graveyards or go finding refuge in religious institutions³.

References

1. *Report of the Expert Group Meeting on the "Rights of Older Persons"*, United Nations Department of Economic and Social Affairs. 5-7 May 2009, Bonn, Germany.
2. *Examples of Discrimination and Abuses based on Age*, April, 2009, Global Action on Ageing
3. *Gender Dimensions of Ageing*, United Nations, Division for the Advancement of Women, March 2002
4. *Regional Dimensions of the Ageing Situation*, United Nations Department of Economic and Social Affairs. New York 2008
5. *Suggestions for the draft General Recommendation on Older Women*, Neala Gbr. Chairperson of the CEDAW Committee, March, 2009
6. *Suggestions for the draft General Recommendation on Older Women*, Bridget Sleaf, Rights Policy Adviser, Help Age International, November , 2008
7. *Women and the Law, Elder Law*, Rangita de Silva de Alwis, New York, 2002
8. *Population Ageing and Development, Social health and Gender Issues*, UNFPA, 2002

³AbiySeifu, *Protection of Older People's Rights*, Help Age International, March 2008, unpublished

9. *Situation and voices, The Older Poor and Excluded in South Africa and India*, UNFPA, 2002
10. *The Rights of Older People: International law, Human Rights Mechanisms and the case for New Normative Standards*, Lindsay Judge, January 2009
11. *Papers on Population Ageing*, UNFPA Publications.
12. *Human Rights and Older Persons*, United Nations Committee on Economic, Social and Cultural Rights, General Comment No 6
13. *United Nations and Ageing, United Nations Principles for Older Persons*, August, 1992
14. UN DESA, Population Ageing Chart, 2006
15. *Political Declaration and Madrid International Plan of Action on Ageing*, April 2002
16. Several References from Help Age International Documents
17. *Missing voices: views of older persons on elder abuse*, WHO, 2002 December 2004
18. *Rights of the invisible: people and Human Rights project*, Valerie Lipman 2004
19. CEDAW Convention and its Optional Protocols, 1979
20. *Guide to the national implementation of the Madrid International plan of action on Ageing*, United Nations, 2008
21. Message for International day of older persons from Secretary General, Department of Public Information, News and Media Division, New York.