

**EFFECTIVE PROTECTION OF THE HUMAN RIGHTS OF OLDER WOMEN THROUGH THE CEDAW  
CONVENTION AND THE GENERAL RECOMMENDATION NUMBER 27**

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**INTRODUCTION:**

Distinguished panelists, experts, ladies and gentlemen,

I would like to thank the Chair of the Open Ended Working Group to invite me in this important discussion on strengthening the protection of the human rights of older persons through the implementation of the existing international frameworks based on age and gender.

At present there are several International human rights Instruments, some are soft laws, such as the Madrid International Plan of Action on Ageing and its Regional Implementation Strategy, which are dedicated to mainstream ageing issues.

The General Recommendation Number 27 under CEDAW Convention is a remarkable protection strategy with state obligation, which addresses all aspects that affects the life of older women, also incorporates the specificities of all groups of older women and their specific vulnerabilities. The General Recommendation is equally useful to older women in developed or in developing countries, in rural areas or in urban slums, in the areas of conflicts or in the natural disaster.

It addresses all the key issues like, universal access to all social services, increasing number and amount of social pension, enacting laws and policies that prevent age and gender based discrimination in all walks of life including discrimination in the work place, access to health needs and education. It also addresses feminization of poverty and ensuring their rights to have dignified, productive and healthy life.

Today number of ageing population is increasing more than a rate that was expected. Due to decline in fertility and rising longevity, the world is ageing at an ever increasing pace. General Recommendation states that women tend to live longer than men and those older women than men live alone.

Population ageing is now more than just a demographic issue – it is a social and economic issue and must be addressed with increased attention and resources and can be effectively targeted through the achievement of millennium development goals by 2015.

Now I would like to discuss the CEDAW Convention as an instrument to eliminate discrimination against older women from the perspectives of state obligation.

## **CEDAW CONVENTION**

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 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.

The Convention focuses on discrimination and gender equality as women tend to suffer disproportionately from various forms of discrimination and lack of access to basic needs and services

To ensure older women's enjoyment of their human rights and fundamental freedoms, States parties as party to the Convention are under the obligation to protect, respect, promote and fulfill these rights.

At present 187 States Parties ratified the CEDAW Convention who has the binding obligation to protect and promote the human rights of older women through gender and age specific national laws and policies in line with the Convention. The Committee has been increasingly addressing 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. Optional Protocol of the Convention is also an important mechanism to protect women from discrimination and abuse. Besides, States parties are liable to submit initial or periodic reports to the Committee regarding the implementation status of the convention which should also include the situation of older women in the country.

In January 2010 at the 45<sup>th</sup> CEDAW Session in Geneva, older women's issues were raised by the Committee members for all eight reporting countries. Especially in case of Malawi, where the issues included witchcraft allegations, mob trials and killing of older widows in order to grab their property. In case of the Netherlands, health care systems for older women were an issue. In the 48<sup>th</sup> CEDAW Session in case of Sri Lanka questions were raised on the rural women, widows including older women in post conflict situation and rehabilitation process of older women affected by natural disaster-Tsunami in 2004.

Despite the Committee's concern for the situation of older women, however, their rights are not systematically addressed either in State reports or NGO shadow reports. In most cases, older women and the discrimination they experience remain invisible.

Besides, very few countries have legislation prohibiting discrimination based on age and gender in all areas including employment, elder abuse or health care. National policies on gender equality and non discrimination rarely include the issues of older women. In many countries ageism and age discrimination continue to be tolerated and accepted at the individual level, institutional and policy level.

The Committee placed strong emphasis on the need for Governments to collect and analyze statistical data 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.

The Committee put strong emphasis on the wisdom and experience which come with age and which are vital assets for the society and should be acknowledged as such. Older persons are breaking new grounds every day and showing that age need be no barrier to success in their chosen fields.

Now I will discuss in brief the salient features of the General Recommendation 27 and how it is committed to protect the human rights of older women.

#### **CEDAW GENERAL RECOMMENDATION NUMBER 27:**

To create a more comprehensive mechanism for the protection of human rights of older women the CEDAW Committee adopted the General Recommendation No 27, on the protection of Human Rights of Older Women in its 47<sup>th</sup> session in October, 2010. It is expected that the newly adopted General Recommendation on older women would enable the Committee to focus on the country specific issues;

so that effective recommendations and guidance could be provided to the States Parties and older women can participate fully in the society without discrimination and on the basis of equality with men. It would also give older women and their rights a greater visibility and priority amongst States parties, NGO's and the wider UN Human Rights System.

The general Recommendation underpins all the issues that affect the life of older women. Now I will focus on some of these issues.

### **The forms of discrimination**

The General Recommendation number 27 acknowledged that the discrimination older women experience is often multidimensional, with age discrimination, compounding with other forms of discrimination. Such as discrimination based on sex, gender, ethnic origin, disability, levels of poverty and education and other grounds. Older women who are members of minority, ethnic or indigenous groups, or who are internally displaced or stateless and refugee women often experience disproportionately a higher degree of discrimination.

Older women in prison, older sex workers, and older widows often face severe neglect and denial of their rights to the basic services.

It is reported, in the recent earthquake in Japan and recent devastated floods in Pakistan, many older women were the victims of the disaster and failed to get adequate support from the Government or NGOs.

### **Stereotypes**

Though older women often play a crucial role as a care giver and parent substitutes in families affected by economic migration, care to elderly persons or to persons with HIV AND AIDS but their contributions are not remunerated or valued.

UN Secretary General Ban Ki-Moon said on the occasion of Older Person's Day in October 2010," In those Countries hardest hit by AIDS pandemic, it is always grandparents who are left to care for AIDS orphans. In Sub-Saharan Africa 20 % of rural women aged 60 or older are sole care givers of their grand children."

But these important contributions of older women often go unrecognized and undervalued. . States Parties have the obligation to promote positive images of older women through media that their wisdom and experience and past contributions are appreciated as important to the society.

### **Non Discrimination and Recognition before the Law**

The States parties have the obligation under article 2 of the convention to abolish or modify existing laws, regulation and customs which discriminate against older women. Prohibition of discrimination is one of the pillars of International Human Rights law. States parties should adopt gender-sensitive and age-specific policies and measures to ensure that older women participate fully and effectively in the political, social, economic, cultural, civil and all other fields in their societies. Older Women and widows need to be protected from property grabbing, inheritance and ownership of property.

States Parties should collect, analyze and disseminate data disaggregated by age and sex, including data on the issues of poverty, illiteracy, unpaid work, access to health care, housing, social and economic benefits and employment also incidence of violence . Governments should utilize this information in the programmes and policies for the benefit of older women.

## **LIFE CYCLE APPROACH**

The CEDAW General Recommendation Number 27 acknowledged that 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. States Parties have an obligation to ensure these rights and also to ensure that older women have access to adult education and lifelong learning opportunities.

### **Protection from violence and abuse**

States Parties have an obligation to enact laws on domestic violence, sexual violence and violence in institutional settings against older women including women with disabilities and prosecute and punish all acts of violence against them as per general recommendation 19 of the Convention.

When considering Sexual violence, State Parties should give due consideration to older women in armed conflict, stateless women, refugee women and asylum seekers and provide assistance and support as per UN Security Council Resolution 1325 and 1820.

### **Right to health**

States Parties should adopt a comprehensive health policy for the protection of health needs of older women as stated in General Recommendation 24 of the convention. This should ensure affordable and accessible health care and include interventions promoting behavioral and lifestyle changes to delay onset of health problems. In China morning exercise with music in the parks and gardens are very popular among elderly people.

Policy actions and resource allocation are important in the area of long term health and social care, training of health care workers in geriatric illness and palliative care.

Chinese Government has taken an important step through Offering tax breaks for investments in the ageing industries such as hospitals, homes etc for senior citizens.

### **Right to work and social security and adequate housing**

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 they are not forced into early retirement or similar solutions and do not discriminated against pension benefits. States parties should also monitor the impact of gender pay gaps on older women.

Regarding the right to have adequate housing, priority in the allocation of housing and land should be ensured to disadvantaged groups such as the older people and persons with disabilities. States parties also should protect older women against forced evictions and homelessness.

### **Poverty and marginalization of older women**

Poverty of older women in rural areas has been a major issue of concern for the Committee on the Elimination of Discrimination against Women. UN Independent Expert on extreme poverty also raised her concern on the same issue and said that non contributory pensions are the most efficient way of ensuring protection for older women and compensating them for their years of unpaid and inadequately paid works.

States Parties should provide support system and collateral free microcredit to older women and should provide affordable transportation to enable older women to participate in economic and social life, including community activities. States Parties also should provide affordable water, electricity and other utilities to older women so that they may have a better life.

Older women should have access to hold public office at all levels in the decision making positions and that older women have the necessary documentation to register to vote and run as candidates for election.

### **Significant Gaps in the process of implementation of the various International Frameworks for the protection of Human Rights of older persons**

Over the past two decades, ageing has surfaced as a policy issue in various International instruments mostly of non binding nature

The Second World assembly on Ageing, which took place in Madrid, in 2002, adopted the Madrid International Plan of Action on Ageing, with an aim of promoting and protecting human rights and fundamental freedom of all older persons including rights to development and 159 States parties signed the document but many of the signatory States parties not have developed any policy approach integrating ageing into the development agenda and allocation of budget for empowerment of older persons also it lacks strong monitoring mechanism with binding obligation.

CEDAW Convention and its General Recommendation number 27 with state obligation are effective International instruments to establish internal accountability process for prioritizing the rights of older women in the national strategies and policies. But effective implementation of the General recommendation mostly depends on the political will and commitments towards elimination of discrimination against older women through incorporating international standards into domestic legislation and practices. NGO reports and State reports should adequately reflect the issues of older

women also constructive dialogue and concluding observations should include country specific concerns of older women. Lack of adequate data on ageing issues is an important gap that needs to be addressed by the Governments to develop effective policy mechanism.

## CONCLUSION

Finally, this is very clear from the above discussion that the General Recommendation number 27 under CEDAW convention created a blanket protection for older women if implemented properly, but **older men** does not have similar protection under International Law. Moreover a strong implementation and monitoring mechanism at the international level could enhance and strengthen the overall protection of human rights of older persons.

From this point of view an UN convention on ageing and a Special Rapporteur on the rights of older persons may enhance the capability for more effective implementation of all international and regional frameworks including Madrid International plan of Action on Ageing. Special Rapporteur will prepare a comprehensive guideline for the implementation of the International Instruments as well as will initiate steps for the improvement of the internal accountability process for prioritizing the rights of older person. At this point this mechanism seems to be more politically feasible also.

An UN Convention is now a popular demand from the civil society and NGO community. I have the same opinion with the NGO demand, which says, "An UN Convention on the Rights of Older Persons is necessary to ensure that older women and men can realize their rights. With a new UN Convention and the assistance of a Special Rapporteur on the Rights of Older People, governments can have an explicit legal framework, guidance and support that would enable them to ensure that older people's rights are realized in the increasingly ageing societies."

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