

## HelpAge International Submission on Equality and Non-discrimination

8th Working Session of the Open-ended Working Group on Ageing, 2017

### Introduction

Older people themselves must be part of the growing discussion on their human rights. To this end, in February 2017 HelpAge International consulted older women across 19 countries<sup>1</sup> on the rights that will be discussed at the 8<sup>th</sup> Session of the UN OEWSGA. This submission presents the issues raised by the participants. It uses their own words and their responses have not been weighted. In light of the responses, recommendations have been made on the normative framework. The consultation only involved older women because we wanted to explore the multiple discrimination older women can be subjected to. We recognise older men are also subjected to ageism, discrimination, violence, abuse and neglect. The 250 participants were self-selecting so their responses are not a representative sample of older women.

### Guiding question 1: Definition of equality

Older women defined equality in older age in the formal sense: *Equality means having the same rights regardless of age or gender* (67, Costa Rica). They also talked about equality in very practical terms: [Equality is] *to access employment, to learn, develop oneself, run a business, [access] financial services such as loans and to have these and enjoy human rights equally* (59, Mongolia). Equality within the family was particularly important for those single or widowed women living with family members: *Equality is similar treatment to all especially by our own family members* (73, Nepal). At the heart of equality was the need for autonomy, the right to participate in decision-making process and to make personal choices and to express their opinions freely: [Equality] *is freedom of speech, to have your own right and point of view even if it is erroneous* (60, Ukraine). Ageism was seen as a driver of inequality and discrimination: *People look at you in public places as a piece of junk* (Group, discussion, Russian Federation).

### Guiding question 2: Areas of life

Participants described being discriminated against in different areas of their lives, including justice, ownership and disposal of property, transport, access to other resources, in the media, in education, in housing, in data collection and in humanitarian responses and development programmes: *There seems to be a belief by our leaders that older women cannot participate in development projects* (Group discussion, Zimbabwe). They described age and sex discrimination at every stage of the employment process from age limits in job advertisements to forced retirement: *Older women are seen as less active hence employers prefer younger women to take up the roles in the workplace* (51, Zimbabwe). They said their pensions were often inadequate and lower than men's. Some participants reported having no access to any pension or other social security. Participants described being denied leadership positions in their faith or local communities, or in local or national government. They said older women were rarely involved in decision-making processes and their issues were of least priority or ignored: *When you start to speak in a meeting and you are an older woman, you are shut down, not listened to* (Group discussion, Uganda).

### Guiding question 3: Inequality in health and financial services

Participants said medical workers paid little attention to their complaints: *Their [medical professionals'] attitude is that I am a pensioner so I can wait for hours* (Group discussion, Serbia). They said most health care information and programmes were targeted at younger women and there was little encouragement for older women to access healthcare services: *Medical workers...pay more attention to women of reproductive age* (67, Kyrgyzstan). They reported a lack of geriatricians, being charged inflated prices by doctors and being asked to pay even when they were exempt or qualified for discounts. They said the drugs they needed were not available.

In relation to financial services self-employed older women said they had limited access to financial loans and for some, family members took their profits so they could not reinvest in their small business: *We are prohibited from getting credit or micro-finance because we are older women. They believe we are too old and might die anytime* (69, Nigeria).

### Multiple discrimination

Discriminatory, harmful ageist attitudes and practices were reported as being particularly strong against widowed or single older women: *My in-laws and society started to discriminate against me after the death of my husband. They took my husband's land and property and compelled me to leave my village* (62, Nepal). Older women with disabilities were

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<sup>1</sup> Belize, Cambodia, Chile, Costa Rica, Kyrgyzstan, Moldova, Mongolia, Nepal, Nigeria, Panama, Peru, Russian Federation, Serbia, Slovenia, Tanzania, Uganda, Ukraine, United Kingdom, Zimbabwe

considered at particular risk of discrimination for example by being deprived of their liberty and being forced to live in institutions or being denied appropriate support for independent living, food, medical attention, assistive devices, access to employment and adequate social security: *Older women with disabilities regularly face a rude attitude in hospitals, clinics, on transport...Society shows indifference to them. They often become victims of manipulation and discrimination* (65, Kyrgyzstan). Rural older women and older women migrants and refugees were also identified as facing intersectional discrimination: *Older women from marginalised groups are generally socially invisible – to other women too – and have a very hard time exercising their rights* (Group discussion, Serbia).

Other older women identified as being subjected to intersectional discrimination were older women living with dementia, living with HIV and AIDS, without children, with low levels of literacy, considered to have a lower social status (caste), without proper documentation and older women living in poverty.

### **Normative framework for the right to equality and non-discrimination**

Older women's understanding and experience of equality and discrimination in every aspect of their lives reported in this consultation have the following implications for the normative framework for this area of rights:

#### **Equality**

- Equality in older age is the full participation and inclusion of older people in all aspects of society based on equal respect for the dignity of older people.
- The right should contain a range of general obligations on States to ensure both formal and substantive equality in older age, including a duty to consider the differential impact of all their decisions, in particular age-based policies, on older people.
- Special measures, namely proactive measures that favour older people in order to ensure equality and non-discrimination in practice and a genuine benefit to address disadvantage, should be allowed.

#### **All forms of discrimination**

- The prohibition of and guarantee of legal protection against discrimination in older age should apply to every aspect of life.
- All forms of discrimination should be prohibited, including direct, indirect, by association, by perception or imputation, and harassment.
- The prohibition of discrimination in older age should not be subject to a wider range of exceptions to the principle of equal treatment than is permitted for any other prohibited ground. Any exceptions, including age proxies, require specific justification.

#### **Multiple discrimination**

- The right should provide protection against intersectional discrimination, namely the combined effect of age and another personal characteristic or the combined effect of any two or more characteristics.
- The right should provide protection against cumulative discrimination, namely discrimination on a number of occasions over time.
- The heightened risk of intersectional and cumulative discrimination experienced by older women should be recognised.

#### **Ageism and structural discrimination**

- The right should provide protection against both discrimination against an individual and harmful ageist social norms and practices.
- States should have an obligation to take steps to eliminate harmful ageist social norms and practices.

#### **Remedies, sanctions and enforcement**

- States should assist older persons in making claims and accessing justice.
- States should take account of accumulating discrimination when fashioning redress and reparation for age discrimination, including where appropriate in any award of damages.

A full report of the consultation findings will be submitted in advance of the 8<sup>th</sup> Session and can be found [here](#). For further information contact Bridget Sleaf, HelpAge International [bsleaf@helpage.org](mailto:bsleaf@helpage.org)