

# **WOMEN, LIFECYCLE AND HUMAN RIGHTS**

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## **Distinguished Experts, Colleagues and Friends,**

This is a great honour for me to be invited to this prestigious International Forum on the Rights of Older Persons. I am particularly happy to be present in this beautiful Mexico City where a historical journey began in 1975 with the 1<sup>st</sup> International Women's Conference to formulate strategies for the advancement of women. We are continuously following this legacy to improve the human rights standards of women through the implementation of the CEDAW Convention, Beijing PFA, and other International Human Rights Instruments, both nationally and globally.

### **Introduction:**

#### **Concept of lifecycle**

Today I will present my paper on the human rights issues of women of all ages from the lifecycle perspective including challenges and gaps in the responses and implementation strategies with particular emphasis on the rights of older women.

Gender relations structure the entire lifecycle of women, from birth to old age, influence access to resources and opportunities and shape life choices at every stage. The marginalization of women in the world of human rights has been a reflection of gender inequality in the world at large and also has a formidable impact on women's lives.

Lifecycle of women from cradle to grave, in other words, different stages of life, such as childhood, adolescent, adulthood and reproductive life including old age may have indication of the human rights situation around them and their ability to have access to the basic needs and services. The CEDAW Committee places strong emphasis on the need for the Governments to implement gender sensitive policies

with a lifecycle approach to ensure women's full and equal participation in the spheres of life including economic and social wellbeing and empowerment.

In many cultures discrimination against girl child begins in infancy which can affect the course of their entire life. Sex selective abortion can be an example of severe nature of discrimination which may occur even before the birth of a girl child. Socio-cultural practices of early marriage and frequent pregnancy of rural women tend to have adverse impact on health in old age. Violence, neglect and abuse during childhood, adolescent or adult life may create mental illness in old age.

### **Demographic ageing**

The world's population is ageing at a rate faster than it was expected in both developed and developing countries. At present, more than half of the world's women aged 60 years and over are living in developing regions. The percentage of older women living in developing regions will grow dramatically by 2050, since two-thirds of the women in the age group 45-59 currently live in developing countries as compared with only one third in the developed countries. The number of older women living in less developed region will rise by 600 million between the years 2010 to 2050.

The demographic transition underway in Latin America and the Caribbean countries reveals that the proportion of people over 60 years of age will triple between 2000 and 2050.

The UN Secretary General stated at the General Assembly in 2010 that, 'at present almost 700 million people are over 60. In 2050, for the first time in human history, there will be more persons over 60 than children in the globe, who might face diverse human rights challenges depending on their context.'

According to the statistics of UNDESA, 80% 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. Women's longer life expectancy than men worldwide lead to a situation where women are more likely to be widows than

men, and being widowed puts older women at higher risk of being poor and to be alone.

This unprecedented demographic ageing due to the improvement of living conditions, basic health care systems as well as declines in fertility and rising longevity, makes the 21<sup>st</sup> century the century of ageing. These changes in population structures have profound human rights implications and increase the urgency of addressing the diverse challenges and discriminations experienced by them through adequate gender and age sensitive policy formulation, budget allocation and strong political will by the Governments in both developed and developing countries.

## **Women's Human Rights**

The human rights of women are an inherent, inalienable, integral and indivisible part of universal human rights. It belongs to them as a human being irrespective of their sex, race, colour, religion or social origin or other status. The term 'women's human rights' and the set of practices related to 'gendered nature of ageing' are the continuously evolving mechanism of an international standard based on Universal Declaration of Human Rights (1948), CEDAW Convention (1979), UN Principles for Older Persons (1991), Madrid International Plan of Action on Ageing (2002) and other human rights instruments to improve the status of women worldwide and strengthen the protection strategy related to age and gender.

During the United Nations Decade for Women (1976-1985) and world women's conferences, which took place in Mexico City in 1975, Copenhagen in 1980, Nairobi in 1985, Beijing PFA 1995, International Conference on Population and Development in 1994 were convened to evaluate the status of women and to formulate strategies for women's advancement. The revolutionary notion that **women's rights are human rights** has emerged during this process.

## **Ageing with dignity**

Good health, economic security, adequate housing and employment are important aspects of ageing with dignity. On the occasion of International Women's Day, 8<sup>th</sup> March, 2012, Ms. Michelle Bachelet, the Executive Director of UN Women stated that, "I join women around the globe in solidarity for human rights, dignity and equality".

Though older women often play a crucial role as a caregiver and parent substitutes in families affected by economic migration or the HIV and AIDS, but these important contributions often go unrecognized and undervalued. The General Recommendation 27 of the CEDAW Convention 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.

The GR on older women also explains that older women are not a homogeneous group. They have a great diversity of experience, knowledge, ability and skills. The needs and rights of women are different at different stages of life depending on the socio- economic and cultural environment, levels of poverty, illiteracy prevailing in the society. Policy makers need to acknowledge these realities.

## **Perceptions of 'active ageing'**

Perceptions of 'active ageing' is gaining popularity among older population and policy makers as well through raising retirement age and job opportunities, policy support to improve the income security and participation in the decision making process including political and economic empowerment, regular health

check, respect and recognition for the lifelong contribution of older population. General Recommendation 27 on older women recommends that States Parties should assist active and healthy ageing through a set of targeted services such as screening, treatment and follow-up for diabetes, hypertension and associated complications including long-term care and services.

The CEDAW Committee recommends that 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 contributions.

UN High Commissioner for human Rights stated at the Expert Group Meeting on the rights of Older Persons in 2010 that ‘Let us not forget that many older persons remain positive and active members of their communities. UN Principles for older persons stress that opportunities should be provided for willing and capable older persons to participate in and contribute to the ongoing activities of society.’

### **International Human Rights Instruments with 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 women as it is mandated to eliminate all forms of discrimination against women throughout their lifespan. At present 187 countries are parties to the Convention who are under the obligation to respect, protect, promote and fulfill these rights.

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

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.

### **General Recommendation No 27 on the rights of older women**

The CEDAW Committee has adopted the General Recommendation Number 27 on the protection of human rights of older women in 2010, which is considered as a remarkable protection strategy with state obligation and addresses all aspects that affect the life of older women, also incorporates the specificities of all groups of older women and their specific vulnerabilities.

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.

### **Challenges**

Despite International Human Rights treaties and state obligations and commitments to protect the human rights of older women, 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.

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

As per the report of the Secretary General to the UN, 2010, ‘the single most pressing challenge to the welfare of older persons is poverty, characterized by homelessness, malnutrition, unattended chronic diseases, lack of access to safe drinking water and sanitation, unaffordable medicines and treatments and income insecurity.’

Poor infrastructure, lack of access to education and basic healthcare, economic hardship and poverty along with the adverse effects of HIV and AIDS are among a few of the reasons why older women face severe human rights violations in rural areas.

In developing countries, the great majority of women work all their lives in the informal sector or in unpaid activities at home and consequently in old age their physical, financial, emotional and health rights are mostly at risk. In many countries, women have limited access to inherited property or land and other assets due to discriminatory property and inheritance legislation.

In developed countries too, women are more likely than men to be poor at old age. Women are less likely to receive a large contributory pension since they are more likely to have stopped work at some point of their lifetime to take on the burden of child rearing and are also more likely to have received lesser wages for their work than men which is responsible for their limited access to formal healthcare and hospital benefits in old age.

UN Independent Expert on extreme poverty also raised her concern (2010) 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. In absence of any non contributory social pension and



adequate safety net from the governments, women in rural settings and urban slums tend to face acute poverty in old age. Chronic poverty in old age impacts on a number of human rights issues including quality health care.

## **Discrimination**

Ageism is too often tolerated in societies across the world. 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, which negatively affect the enjoyment of the full range of human rights of older women.

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. Besides, widowhood and divorce also exacerbate discrimination for older women. Older women in armed conflict, affected by climate change or natural disaster, older women in prison, older sex workers, and older widows often face severe neglect and denial of their rights to the basic services.

Both men and women face discrimination at old age. But experiences of ageing vary greatly between men and women as because of lifelong discrimination faced by women. Gender and age discrimination accompanied by physical and emotional vulnerabilities, 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.

## **Stereotyping**

The persistence of strong gender stereotyping affects women especially in old age, which is significant across all regions. Violations of the rights of older women take many different forms, which are often based on negative stereotyping and deep rooted cultural and social bias. Older women are often considered no longer economically or reproductively useful, and often seen as a burden to their families.

The impact of gender inequalities, patriarchal attitudes and deep-rooted practices regarding the roles and responsibilities of women and men in family and the society, help legitimize discrimination against women, and underlie women's disadvantaged position in areas such as education, employment, access to health services and public and political life. These are also the root causes of violence and abuse against women, especially witchcraft accusation, land grabbing and death threat against older women, a problem that is significantly widespread in many African regions.

### **Violence and abuse**

Apart from age and gender based discrimination against older women, elder abuse and sexual assault has a serious consequence on women's physical and mental health and wellbeing in later life. Researchers have identified domestic violence as the most common form of abuse against older women, and many of them who suffered at the hands of their partners or husbands when they were young continue to be abused in their old age. Another study carried out by a Canadian Network for the prevention of elder abuse reveals that older women are more likely to be the victims of abuse than older men. Older women often represent two thirds of victims in the abuse or neglect cases in the hospitals and clinics.

The cost of the human sufferings due to elder abuse and sexual violence is immense, as it greatly affects women's body and mind. Elder abuse, like all other forms of family or interpersonal violence, has become recognized as a universal phenomenon that cuts across cultural and socioeconomic lines. A major public awareness and research as well as public professional understanding about the issues are important to address. Financial exploitation, too, is not infrequent and goes under-reported, and under-documented.

The CEDAW Committee expressed its concern about the lack of information regarding the sexual, mental and physical abuse, neglect and violence against older women, as well as their insecurity in respect of their financial, medical and housing needs, discrimination at the work place including their exclusion from national ID networks, which cumulatively expose them to multiple forms of discrimination and discomfort.

## **Lack of data and policy initiatives**

There are not enough resources and facilities to cope with the growing demand, particularly for specialized services such as residential centers or old homes, and long term home or institutional care programmes or geriatric services, necessary to guarantee the human rights of older persons.

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. More importantly statistical data would provide clear information about the level of enjoyment of their rights represented in the civil, political, economic, social and cultural rights.

## **Recommendations:**

### **General Recommendation number 27 on the Rights of Older Women and Economic, Social, Political and Cultural Rights of Older Women**

All rights as enshrined in the CEDAW Convention, Beijing PFA, Committee on the Economic, Social and Cultural Rights 1995, General Comment No. 6 on the economic, social and cultural rights of older persons and General Comment No. 19 on the rights to social security and Convention on the Rights of Person with Disabilities are central to the General Recommendation on the rights of older women.

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

The States parties have the obligation under article 2 of the CEDAW Convention to abolish or modify existing laws, regulations 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.

‘Declaration of Mexico people and their work at the Heart of globalization’ declares that equality and nondiscrimination in employment extends to the elderly, and special attention must be paid to decent work for them as a vulnerable group.

## **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, it should include situation of older women both in peace and conflict as well as in other manmade and natural disasters. States Parties have an obligation to ensure these rights, also to ensure that older women must be regarded as an important resource in the society as well.

## **Protection from violence and abuse**

States Parties have an obligation to enact laws on domestic violence, sexual violence and violence in institutional settings (as the older women in need of long term health care tend to suffer abuse in the 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.

At the 47<sup>th</sup> CEDAW Session HELPAGE International submitted parallel reports on the discrimination against older women in Uganda and Burkina Faso which generated great concern among Committee members regarding the act of violence and witchcraft allegation against older women in Burkina Faso and displaced older women in Northern Uganda.

## **Collection of Data**

States Parties should collect, analyze and disseminate data disaggregated by age and sex, including data on violence and other forms of abuse against older women as well as the issues of poverty, illiteracy, unpaid work, including care-giving to migrant families or those living with or affected by HIV/AIDS and access to health care, housing, social and economic benefits and employment. Governments should utilize this information in the programmes and policies for the benefit of older women.

## **Stereotyping**

The States parties have an obligation to eliminate negative stereotyping of older women from the society at large and modify social and cultural patterns to reduce the physical, psychological, verbal and financial abuse and prejudices against older women that can result from harmful practices. For example in 2008 the CEDAW Committee raised concerns over the witchcraft allegations against older women in Tanzania. 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 for the progress of the society.

## **Right to have health care**

Older women are rarely included in sexual health care programmes and budget allocation for the long term health care is a challenge for the Governments as well. There is no research on the long term effect of the impact of early marriage, multiple births and exposure to harmful traditional practices such as female genital mutilation on the physical and mental health of older women.

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 CEDAW 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.

Again women from different age groups beyond 70 years have different kinds of health needs and preferences which vary depending on their health condition and economic and social situation. Long-term care is often inadequate, affected by low quality services. The situation is worsened by lack of legal frameworks to monitor human rights violations in long-term care facilities.

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. For example France has a separate ministry for older people and long term health care is a priority area of intervention of the ministry. China is offering incentives through tax break for investment in the ageing industries such as hospitals, homes etc for senior citizens.

## **Right to have housing**

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,

children and persons with disabilities. States parties should also protect older women against forced evictions and homelessness.

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

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 discriminate against pension benefits. States parties should also monitor the impact of gender pay gaps on older women.

### **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.

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 should also provide affordable water, electricity and other utilities to older women so that they may have a better life.

The CEDAW committee in its concluding observations in 2006 incorporated recommendations on the shadow report of Bolivia on the extreme poverty and discrimination faced by older women.

### **Right to Education and participation in the decision making process.**

States parties have an obligation to ensure equality of 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

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 in the decision making positions and that older women have the necessary ID documentation to register to vote and run as candidates for election.

## **Marriage and family life**

Older persons continue to face multiple threats of financial exploitation including fraud, arbitrary deprivation of their property.

As per the CEDAW Convention and General Recommendation Number 27, States parties have the obligation to repeal all legislation that discriminate against older women in marriage and its dissolution including older widows in respect of ownership of property, inheritance and protect them from property grabbing and forced marriage.

## **Human Rights of Older persons in Latin American and Caribbean Regions**

This is remarkable that there are several Latin American and Caribbean countries, such as, Brazil, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Mexico, Paraguay, Peru, Uruguay and Venezuela have adopted specific legislation for the protection of the rights of older persons and recognize that older persons need protection by the State and family. Age discrimination is incorporated in the constitution. Most of the countries in the region identified that older persons are vulnerable group and need special attention in the health care sector including long-term health care.

In the Inter- American human rights instruments, especially the Convention of 'Belem Do Para' is an important tool to eradicate any kind of violence against older women which may occur within the family or institutional facilities.

However, half of the older population in Latin America has no access to retirement or other pensions to mitigate the risks arising from loss of income in old age. Many countries tend to focus primary health care services on other sectors of the population, in particular pregnant women and children, with no special attention to



older persons. In most countries inadequate budget allocation and policy measures and lack of commitment from the authorities prevent older women to enjoy their human rights fully and equally with men. Poverty and illiteracy are considerable barriers for older persons when attempting to realize their rights. Also older ethnic and racial minorities are neglected in most countries in Latin America.

In Brazil the National Law for the Protection of the Rights of Older Persons , 2003, has improved the respect of the older persons as it is now mandatory to report violation of their rights . Yet, there is a lack of awareness of the existing programmes for the protection of the rights of older persons, especially in rural areas.

### **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 UN concerns on ageing was first recognized in the First World Assembly on Ageing in Vienna in 1982 where an International plan of Action on Ageing was adopted outlining the rights of older persons.

In 1992 UN adopted the Madrid Plan of Action on Ageing. But this plan does not have a binding commitment on Governments for implementation as well as to provide additional resources. It also lacks mechanism for monitoring and implementation.

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.

It has developed a new social protection mechanism, such as old age allowances, free medical services with limited coverage, but many of the signatory States parties have not developed any policy approach integrating ageing into the development agenda and allocation of budget for empowerment of older persons. It also 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 .The general recommendation 27 includes all aspects and issues that affect older women's life. It also covers all groups of older women from age 60 and above.

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. Constructive dialogue and concluding observations should also include country specific concerns for 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**

### **Strong Monitoring Mechanism**

A strong monitoring mechanism on the implementation of the International Human Rights Treaties in the States Parties could enhance and strengthen the overall protection strategies of older persons. From this point of view appointment of a Special Rapporteur on the rights of older persons may enhance the capability

for more effective implementation of all International and Regional Frameworks, including CEDAW General Recommendation No 27 and 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 persons. At this point this mechanism seems to be more politically feasible.

Finally, this is needless to say that the General Recommendation number 27 under CEDAW convention created a blanket protection strategy for older women if implemented properly through strong determination and political will.

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