

HelpAge International

Entitled to the same rights

What older women say about their rights to non-discrimination and equality, and to freedom from violence, abuse and neglect



Jonas Wresch/HelpAge International – Colombia

HelpAge International is a global network of organisations promoting the right of all older people to lead dignified, healthy and secure lives.

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Introduction

Older people themselves must be part of the growing discussion on their human rights. This is the only way to ensure the discussion and its outcomes will truly reflect their experience of human rights in older age.

To this end, older women involved in the Age Demands Action platform were invited to take part in a consultation on the rights that will be discussed at the eighth session of the Open-ended Working Group on Ageing (OEWG) in July 2017:

- **Non-discrimination and equality**
- **Freedom from violence, abuse and neglect**

Just under 250 older women took part from 19 countries (see Annex 1 and 2 for the consultation questions and the list of countries). The consultation involved only older women because we wanted to explore the intersectional discrimination older women can be subjected to. We recognise older men are also subjected to ageism, discrimination, violence, abuse and neglect. The focus here on older women does not in any way diminish the importance of promoting and protecting the rights of all older people, regardless of their sex or any other characteristic.

Participants were invited to respond as individuals or as part of group discussions. They were self-selecting so their responses cannot be considered to be a representative sample of those involved in Age Demands Action or of older women more generally. This report presents the themes and issues raised by the participants. It uses their own words, expressions and phrases and their responses have not been weighted in any way. In light of the responses, recommendations have been made on the normative framework of each of the two rights.

Executive summary

Older women living in different social and economic contexts said they were discriminated against in many areas of their lives including employment, healthcare, financial services, access to development programmes and ownership and disposal of property.

They said discriminatory, harmful ageist attitudes and practices were particularly strong against widowed or single older women, older women with disabilities, rural and migrant older women. They said equality for them was having equal rights under the law as well as equal access to opportunities and services in practice. At the heart of their understanding of equality was their autonomy, their right to participate in decision-making processes, to make personal choices and express their opinions freely.

Many of the older women said they, or older women they knew, had been subjected to one or more forms of violence, abuse or neglect. They collectively described a wide range of types of violence, abuse and neglect, perpetrators and settings, both private such as at home and public, and on public transport and in health centres. They talked about acts perpetrated against them as individuals and more systemic structural violence, abuse and neglect. They wanted their governments to take steps to prevent violence and to ensure justice for the survivors.

This lived experience of older women informs our understanding of what the main elements of older people's rights are in these two areas.

The right to non-discrimination and equality should cover all forms of discrimination, including intersectional and cumulative discrimination, in every aspect of life. States should ensure equality in law and in practice and should have a duty to consider the impact of all their decisions, in particular age-based ones, on older people.

The right to freedom from violence, abuse and neglect should also be comprehensive covering all forms, both individual and structural, all perpetrators and all settings. States should have an obligation to prevent violence, abuse and neglect against older people, as well as provide survivors with support services and access to justice. States should also have a duty to provide information, raise awareness and conduct research.

1. The right to non-discrimination and equality

1.1 How older women are discriminated against

The vast majority of older women who took part described being discriminated against or subjected to some form of violence, abuse or neglect because of their older age.

"We are prohibited from getting credit or micro-finance because we are older women. They believe we are too old and might die any time. Are younger people not dying too?"
69, Nigeria

They described being discriminated against in different areas of their lives: employment, healthcare, participation in public life, financial services, justice, ownership and disposal of property, transport, access to other resources, in humanitarian responses and development programmes, in the media, in education, in housing, and in data collection. Perpetrators identified included healthcare, financial and other service providers, care providers, employers, the media, the government, political parties, family members and the public.

Some participants said they had not experienced discrimination themselves but knew others who had. A small minority were not aware of discrimination or violence, abuse and neglect.

"Frankly, I find it hard to even visualise these things you are talking about. How on earth can someone beat their own mother? How? Please explain to me!"
83, Serbia



Jonas Wresch/HelpAge International – Colombia

Discrimination in employment

Older women described age and sex discrimination at every stage of the employment process, from age limits in job advertisements to forced retirement. They reported employers prefer to employ younger women because of prejudicial attitudes towards older women's abilities and health.

"Older women are seen as less active hence employers prefer younger women to take up the roles in the workplace."
51, Zimbabwe

"A retired teacher like me, I was rejected in more than five private schools because they said I am too old to be of any use. They prefer young ladies and women."
65, Nigeria

They said job opportunities were limited for older women, in one case from the age of 45, and where jobs were available, they were often low paid and menial.

"Women can't get a job after they are 55 years old."
69, Russian Federation

"When it comes to sacking people, they first lay off those women over 55, because their performance is allegedly lower. I know this from personal experience."
Focus group discussion, Serbia

They reported being denied vocational training and being harassed in the workplace because of their older age, being overlooked for promotion compared to men of the same age and being forced to retire at younger ages than men. They said their pensions were often inadequate and lower than that of men. Some participants reported having no access to any pension or other social security. 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.

Discrimination in access to healthcare

Participants said medical workers paid little attention to their complaints. They said most healthcare information and programmes were targeted at younger women, and there was little encouragement for older women to access healthcare services.

"The doctors don't even look at us."
69, Moldova

"When old people go to a hospital to see a doctor, the doctor would usually say, "The symptoms are normal for your age". This is sort of neglect."
63, Mongolia

"Medical workers…pay more attention to women of reproductive age."
67, Kyrgyzstan

They reported a lack of geriatricians, only having access to services and the medication they need if they paid for it, 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.

"Drugs for treatment of our ailments are not available to us and if made available they are too expensive. I do not have access to the insulin needed for my diabetes."
68, Nigeria



Malik Alymkulov/HelpAge International – Kyrgyzstan

Discrimination in public life

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 the least priority or ignored.

"Older women are practically non-existent among members of local or national parliaments whereas older men are not a completely uncommon sight."
Group discussion, Serbia

"When you start to speak in a meeting and you are an older woman, you are shut down, not listened to."
Group discussion, Uganda

They said statistical information on older women was limited. Development programmes were usually for younger people. One participant said older women with children working overseas were denied food handouts by the government in a humanitarian response.

"There seems to be a belief by our leaders that older women cannot participate in development projects."
Group discussion, Zimbabwe

"The Government also provides programmes that older women find hard to participate in, like rice growing."
Group discussion, Uganda

A number of older women said they were no longer able to participate in social, religious or cultural activities.

"Older women are being discriminated [against] by their own family members in every aspect of life starting from food, family ceremonies, to social events."
70, Nepal

Discrimination

Multiple discrimination *can be complex. It can be based on more than just one characteristic or take place on more than one occasion.*

Intersectional discrimination *is discrimination based on a combination of two or more different characteristics, for example, age, sex or disability. The combination creates a unique form of discrimination.*

Cumulative discrimination *is where the impact of discrimination that happens more than once over a period of time, or on a number single occasions but based on different characteristics, cumulates. It is also sometimes called 'additive' discrimination.*

1.2 Intersectional discrimination against older women

Single or widowed older women

Discriminatory, harmful ageist attitudes and practices were reported as being particularly strong against widowed or single older women. They could be subjected to harmful traditional practices such as wife inheritance. Older widows were seen as bad luck and not allowed to participate in family and other social events or religious ceremonies. Some were accused of being witches and responsible for the death of their spouse. Some living with family members described how they were insulted, discriminated against and denied any autonomy within the family in terms of access to food, participation in decision-making, freedom of movement, the right to work, and disposal of their property according to their wishes. They had to seek permission for everything they did.

"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

"Single older women who are widowed, not married, or divorced face the most discrimination."

51, Zimbabwe

Older women with disabilities

Older women with disabilities were considered at particular risk of discrimination. They are deprived of their liberty and forced to live in institutions. They are denied appropriate food and medical support, do not have access to employment and adequate social security, are not supplied with vital assistive devices, and are not given the opportunity to live independently.

"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 migrant and refugee older women

Rural older women and older women migrants and refugees were also identified as facing intersectional discrimination.

"Older women migrants or refugees also face discrimination. Due to the fact that they do not have registration they can be deprived of access to healthcare and to work."

82, Kyrgyzstan

"Older women in rural areas face discrimination in service provision. Many live far from service centres and no one will bother to inform them of services like seeds available from the government. This is very common with those having low incomes."

72, Uganda

"Older women from marginalised groups are generally socially invisible – to other women too – and have a very hard time exercising their rights. Those who came to Serbia as refugees during the 90s also found it very hard to fit in the new communities."

Group discussion, Serbia

Other intersectional discrimination

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



Guido Dingemans/HelpAge International – Nepal



Jonas Wresch/HelpAge International – Colombia

1.3 What equality means to older women

Older women understood equality on many levels. They talked about it as formal equality: having equal rights under the law regardless of their age, gender or any other status.

"Equality means having the same rights regardless of age or gender."
67, Costa Rica

They also talked about equality in very practical terms, in having access to equal opportunities in relation to employment, health services, social security, housing, transport, travel, and cultural and spiritual activities.

"Although there is a law (7935) in which all older people have equal rights, reality is not like that. There is a lot of inequality."
69, Costa Rica

"If we are all equal, we should all enjoy the same benefits and enjoy independence."
77, Peru

"[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 in both their public and private lives was the need for autonomy, the right to participate in decision-making process, to make personal choices and to express their opinions freely.

"[Equality is being] able to express one's opinion freely."
Group discussion, Belize

"This is freedom of speech, to have your own right and point of view even if it is erroneous."
60, Ukraine

Eliminating ageism and ageist attitudes and practices also featured in older women's understanding of equality. Equality, they said, was where older people felt like full members of society, where they were recognised, valued, and felt needed and useful.

"To live a life that has meaning and purpose [and] to live independently."
61, UK

"It means respect and value for older people, entitled to the same rights both older and younger."
Group discussion, Cambodia

Equality

Equality in older age *is the full participation and inclusion of older persons in all aspects of society based on equal respect for their dignity.*

Formal equality *is when people have the same rights under the law, regardless of their age or sex or any other characteristic.*

Substantive equality *is where people in different situations are treated differently in practice to ensure that everyone has equal access to opportunities and services.*

1.4 Measures older women think governments should take to ensure their equality

Equality under the law

Measures older women thought the government should take included those to ensure equality under the law, namely formal equality. These included the adoption, revision and effective implementation of laws and policies prohibiting discrimination and protecting rights in older age. Specific reference was made to policies dedicated to older women and of broader gender policies protecting women of all ages. Departments and other organisations and institutions for older people should be established and finance allocated to older people's programmes.

"Create non-discrimination laws on older people's issues."
78 Kyrgyzstan

"The Government should have a department structured for older persons."
Group discussion, Belize

Equality in practice

The participants identified a range of practical measures to ensure equality in practice, namely substantive equality. These included access to health services, employment, transport, housing, income, property and other resources, information, education including literacy training, care and support for independent living, justice, development and humanitarian programmes.

"The government should run literacy classes for illiterate older women to ensure equality."
70, Nepal

"Solicit and put aside funds for older women only, not women in general and make it accessible to older women."
68, Uganda

"To ensure there is equality for older women, the government should provide education to the general public on rights and equality."
50, Tanzania

"I'd like for the courts to do their job quicker, to see the offenders punished sooner, to know I will live to see justice take its course."
Group discussion, Serbia

"Provide a reliable health service that can be depended upon in order to reduce unnecessary stress and suffering and even early death."
61, UK

In addition to these practical, tangible measures, older women felt governments should take steps to change harmful ageist attitudes and practices. For example, through awareness campaigns targeted at community and family members.

"We need to see prejudice on the worthlessness of older people addressed through national and local media. Let's see television shows where you see advantages of older people's accumulated professional and life experience!"
Group discussion, Serbia

"Lack of education and cultural practices means children can be discriminatory and abusive towards older people. Children should begin to see older people differently, with respect."
67, Costa Rica

The participants also identified the protection of older women's dignity and integrity as a key responsibility of governments under their obligation to ensure equality.

"[Older women's] dignity and integrity must be maintained throughout the course of their life."
51, Zimbabwe

"Simply respect us as people and give us systems to protect our rights."
58, Panama



Malik Alymkulov/HelpAge International – Kyrgyzstan

1.5 Normative framework for the right to non-discrimination and equality in older age

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 the 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

- Intersectional discrimination, namely the combined effect of age and another personal characteristic or the combined effect of any two or more characteristics, should be prohibited.
- Cumulative discrimination, namely discrimination on a number of occasions over time, should be prohibited.
- The intersectional and cumulative discrimination experienced by older women should be highlighted.



Mayur Paul/HelpAge International – Bangladesh

Ageism and structural discrimination

- Both discrimination against an individual and harmful ageist social norms and practices should be prohibited.
- States should have an obligation to take steps to eliminate harmful ageist social norms and practices, including, but not limited to, raising awareness of the rights and capacities of older people; countering any discriminatory ageist perceptions and practices towards older age and older people; and, eliminating any harmful traditional practices and institutional, systemic or structural practices which adversely affect the human dignity or personal security of older people.

Remedies, sanctions and enforcement

- States should assist older people in making claims and accessing justice by providing information on remedies and how to access them; legal assistance and legal aid; a hearing within reasonable time with special measures in situations of immediacy; and, accommodations in judicial proceedings to facilitate older persons' effective role as participants.
- States should take account of accumulating discrimination when fashioning redress and reparation for age discrimination, including, where appropriate, in any award of damages.

Non-discrimination and equality in human rights law

Article 1 of the Universal Declaration of Human Rights (1948) states "all human beings are born free and equal in dignity and rights". However, whilst equality before the law and the prohibition of discrimination based on sex is recognised in all international human rights treaties, discrimination on the basis of age is only explicitly mentioned in one, the International Convention on the Rights of Migrant Workers and their Families.

Age discrimination is not explicitly recognised in regional human rights instruments, except for the Charter of Fundamental Rights of the European Union (2007) and the two recently adopted instruments dedicated to the rights of older persons: the Inter-American Convention on Protecting the Human Rights of Older Persons (2015) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa (2016).

Very few national constitutions provide explicit guarantees of equality and non-discrimination on the basis of age. Sex discrimination is more often explicitly prohibited, but not in every country. Many constitutions contain general guarantees of equality which in theory apply to age and sex, but which may not be applied in practice. Some countries have no legislation prohibiting age discrimination in any area of life, others have legislation prohibiting age discrimination in limited areas of life. Even where both age and sex discrimination are prohibited under the law, it is not always possible for older women to bring a claim based on both grounds, because they are older and because they are women.

2. The right to freedom from violence, abuse and neglect

2.1 Types of violence, abuse and neglect older women are subjected to

Older women described either themselves or older women in their communities being subjected to different types of financial, physical, sexual, psychological violence and abuse, and neglect.

Psychological

Participants reported older women being insulted, accused, coerced and bullied. They were screamed at, scolded, threatened and one said she was made to feel like a servant. They were looked down upon, not listened to and forced to do things they did not want to do.

"There is also a lot of psychological violence against older people, but in Chile if it is not accompanied by physical violence, the authority does nothing about it."

Group discussion, Chile

The denial of autonomy and need to control and subjugate older women came out in other examples where older women were being humiliated and infantilised.

"If I want to wash my clothes, then I have to ask [my] daughter-in-law for the soap. Sometimes she hides [the soap]… She usually does not allow me to enter her room. Even my movement in the house is restricted."

60, Nepal

"I would like to escape but I have to take care of so much in the house, I feel like one of my dogs, taking care of the house."

Group discussion, Chile

Physical

Participants said older women were beaten, threatened with weapons and threatened with physical violence and death. Some talked about being deprived of their liberty for example within a room in the family home or by being institutionalised against their wishes.

"They threatened to kill me and even showed me a sword. They forced me to leave the village."

62, Nepal

"There are many cases where older people are kicked out of the home or placed in a little room."

78, Kyrgyzstan

Sexual

Sexual violence identified included rape, attempted rape and other sexual violence said to happen in the home by people known to the older women. It also included harmful traditional practices such as wife pledging and inheritance.

"Sexual violence is rare, but maybe because women do not want to report it."

50, Tanzania

Financial

Older women reported being taken advantage of for financial gain. This included family members taking their income or savings without their permission, being denied the right to use their income and property as they wished and being coerced through guilt to give large sums of money to family members. Other examples included destruction or theft of property, such as crops and animals, and fraud and deception by service providers.

"Older women [are] being coerced into signing life-care contracts and therefore effectively signing off their property or income to another person in exchange for services they may or may not be satisfied with."

Group discussion, Serbia

"My older neighbour was cheated by the electricity controller."

67, Kyrgyzstan

"Due to lack of knowledge and power to further our concerns we lose money to bogus lawyers and other community members."

Group discussion, Zimbabwe

Neglect

Participants reported a number of different ways they felt they were being neglected. These included being abandoned, being denied sufficient or appropriate food, not being allowed to bathe regularly, clothes and bedding not being washed, not being taken to the doctor, and children not visiting.

"There's no one to even see me, no one to bring me a glass of water when I need it. I am old and alone now, no one needs me."

Group discussion, Serbia

"Neglect is also from the government. It is the older women's understanding that the government should be assisting older persons but nothing is being done."

Group discussion, Zimbabwe

Structural violence

Violence, abuse and neglect were not limited to the family or private sphere, or to individual acts of violence. More systemic and structural violence, abuse and neglect were also identified.

"Our society is structurally violent and abuses older people, especially women. Many of them feel obliged to take care of the grandchildren or others in their family."

Group discussion, Chile

"The community and society [places] less value on the contributions of older women and ignores their voices and needs."

Group discussion, Cambodia

Perpetrators

The participants identified a wide range of perpetrators including children, grandchildren, daughters-in-law, sons-in-law, and close relatives such as nephews, husbands and co-wives in polygamous marriages.

"I am compelled to live here with my daughter-in-law and grandson with great fear of being physically abused."

83, Nepal

The identified perpetrators extended beyond the family to neighbours, community members, tenants, business partners, shopkeepers and other service providers, such as doctors and health workers, banks and repairmen.

"On public transport, in shops and markets, we do not get proper service."

53, Mongolia

The participants also reported people in positions of authority as perpetrators including traditional rulers, and local and national government authorities. Being unemployed or under the influence by alcohol or drugs were identified as two drivers of violence, abuse and neglect.

Where older women are subjected to violence, abuse and neglect

The participants said violence, abuse and neglect can happen at home, at work, in care facilities, in the wider community, in the street, in shops, in the marketplace, in fields, on the way to collect firewood, on public transport, in bars, in waiting rooms, in hospitals and health centres, on the phone, in banks and other service centres.



Roopa Gogineni/HelpAge International – Kenya

2.2 Intersectional discrimination and violence, abuse and neglect against older women

Participants said some older women were at heightened risk of violence, abuse and neglect. These included older women with disability, those living in rural areas, those with low literacy levels, older migrant or refugee women, older single or widowed women, those who receive care and support for independent living, older women who are heads of households, and those who had moved from a rural to an urban area.

"My illiteracy is making me more vulnerable towards violence, abuse and discrimination."
60, Nepal

"Older women with disabilities…may be subjected to any kind of violence."
67, Kyrgyzstan

"Older women are forced to shave their head and drink part of the water used to wash their husband's corpse before burial."
73, Nigeria

The cumulative impact of a lifetime of violence and abuse and its exacerbated impact were raised by participants.

"Women have often faced a lifetime of coercion, bullying and violence. In older age, women are often afraid to talk about what has happened to them and have learned to accept this "silent" form of punishment."
61, UK

"My husband would beat me for many years too, and only after he died could I get over it."
73, Moldova



Beth Howgate/HelpAge International – Slovenia

2.3 Support services older women think they should have access to

Older women identified a range of services related to violence, abuse and neglect that they felt they should have access to.

These included legal services that should be free or subsidised and from trustworthy providers. This would enable them to deal with inheritance and abuse matters. Legal services should be locally available or via outreach so older women do not need to travel long distances to seek legal advice.

"I need to know what the procedures are. I don't want to get into the situation where I want to report abuse and I am told "oh no, you don't have the official doctor's report, it's a no go"."
Group discussion, Serbia

Access to the police and to various levels of the court system was also mentioned.

"We need to be supported by law enforcement, as well as social welfare officials."
Group discussion, Serbia

Older women thought they should have access to information about their rights and violence, abuse and neglect via a helpline or other sources. Information should also be available to the community.

"We should have access to awareness-building campaigns so that we can identify the symptoms of violence, abuse and neglect and can raise our voice against it."
70, Nepal

They should have access to free counselling services, to call-in centres where support could be provided, and to shelters and crisis centres. Diagnostic screening, access to free or affordable, good quality health services, including sexual and reproductive services, rehabilitation centres and social services at home.

"Physical and mental health services that are user-friendly and whose services understand the complexity of growing old in a society that does not seem to care or have enough provision for a growing population."
61, UK

A number of participants linked economic independence with prevention of violence, abuse and neglect. They said older women's economic independence could be improved by having access to employment opportunities and adequate social security, literacy and vocational training, lower interest rates on bank loans, small business loans and schemes, and other skills for an independent life.

2.4 Measures older women think governments should take to prevent violence, abuse and neglect in older age

The participants identified a range of measures they thought governments had responsibility for. Legislation should be adopted, revised and implemented to prevent and protect older women from violence, abuse and neglect, and a body authorised to protect the rights of older people should be created. Governments should also put in place stronger punitive sanctions for perpetrators. Offices should be established where older people can make complaints without fear of the consequences.

"Adopt laws and mechanisms of action to prevent violence against seniors."
67, Russian Federation

"Punish the offenders irrespective of who they are."
78, Nigeria

"Police and other state agencies should work to prevent violence and abuse."
61, Mongolia

Older women felt governments at national, district and local levels had responsibility for a range of prevention and support services for survivors of violence, abuse and neglect. These included ensuring better co-operation between different sectors involved in the response, allocation of financial resources, provision of free legal services, stopping police harassment and corruption, greater police action and protection of older women, establishing a unit to investigate cases of abandonment, and regulation and monitoring of care and other service providers. Prevention work with perpetrators such as care providers and those affected by alcohol and drugs was also recommended.

"The government should ensure the police and courts are not bribed."
51, Tanzania

"Better and quicker penalty procedure for the culprits."
74, Slovenia

A range of other health and social services were also identified including age-friendly health centres, monitoring and evaluation of care facilities, hotlines or helplines, provision of free care and support at home, day care community centres and residential facilities for those who would prefer this living arrangement.

"Train social workers on how to identify signs of violence and abuse against older people."
78, Kyrgyzstan

Older women felt they should have access to information about available support services, the law and their rights. A number of measures were identified around government responsibility to change harmful ageist social norms. Older women suggested introducing campaigns targeted at family members, men, younger people and the public more broadly, to eliminate ageism.

"We need information stands with information about domestic violence and abuse against older people and contact details about where to get support in case of violence."
82, Kyrgyzstan

And finally, the link to economic empowerment was also made in terms of government responsibility to prevent violence, abuse and neglect in older age. This included ensuring access to adequate social security, employment opportunities and vocational training.

"Government should increase [the] old age allowance so that we don't have to be economically dependent on other[s]."
71, Nepal

"The government should provide a social pension – a monthly allowance for older women. If I have access to this I would still be in my rented apartment and not in the "prison yard" of my daughter-in-law."
69, Nigeria



Malik Alymkulov/HelpAge International – Kyrgyzstan

2.5 Normative framework for the right to freedom from violence, abuse and neglect

Older women's experience of violence, abuse and neglect reported in this consultation has the following implications for the normative framework for this right.

All forms of violence, abuse and neglect

- The right to freedom from violence, abuse and neglect in older age should include all forms of violence, abuse and neglect against older people.

Public and private spheres

- The right should apply to violence, abuse and neglect in private and public settings.
- Acts perpetrated by both private and public actors should fall under the right.
- States may be responsible for private acts of violence, abuse and neglect against older people if they fail to act with due diligence to prevent, protect, prosecute, punish and provide redress for the harm suffered.

Prevention

- States should have an obligation to take steps to prevent violence, abuse and neglect in older age in relation to, inter alia, legislation and its effective implementation; training of care providers, healthcare and social workers, the judiciary and law enforcement; appropriate needs assessments, regulation and monitoring of situations of care and support provision; public prevention campaigns; and research into the intersectional drivers of violence.

Support services

- The right should provide for access to a range of support services for survivors of violence, abuse and neglect, including but not limited to a full range of medical, psychosocial, rehabilitative and legal services; access to information about available support and services; access to appropriate victims support services; and access to effective remedies and redress.

Remedies and redress

- The right should provide an obligation on states to assist survivors with making complaints.
- The right should provide an obligation on states to investigate and lay criminal charges.
- The state should begin with the assumption that the individual is best placed to judge his or her own well-being and observe self-determination for the survivor.
- Criminal justice responses, criminal offences and sentencing practices should reflect the aggravated nature of offenses against older people.
- Older age should not limit compensatory damages or access to survivor services.

Data and statistics

- The right should provide an obligation on states to collect, disaggregate, analyse, utilise and make public at regular intervals appropriate information and statistical data on all forms of violence, abuse and neglect.
- This should include prevalence and trends, risk factors, perpetrators, access to support services and effective remedies and redress.
- All information gathering and research should comply with internationally accepted norms and ethical principles in the collection and use of statistics and legally established safeguards and should respect the privacy and confidentiality of older people.

Freedom from violence, abuse and neglect in human rights law

There is no right to protection from all forms of violence, abuse and neglect in older age under UN international human rights treaties that applies generally or specifically to older people although there is some protection against violence under UN human rights treaties that applies to older people, for example under the Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol. The Committee on the Elimination of Discrimination Against Women's General Recommendation No. 27 on older women and protection of their human rights (2010) includes violence, abuse and neglect but only applies to older women and not older men. Similarly the obligations under the Convention of the Rights of Persons with Disabilities (2006) on the prohibition of torture and prevention all forms of violence and abuse only apply to older persons with disabilities.

At the regional level the Inter-American Convention on Protecting the Human Rights of Older Persons (2015) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa (2016) protect older people from violence, abuse and neglect. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women (2003) also provides for older women's right to special protection and the right to freedom from violence and abuse (Article 22b). The Council of Europe's Recommendation CM/Rec (2014) on the promotion of the human rights of older persons makes recommendations on protection from violence, abuse, intentional or unintentional neglect at home, within an institution or elsewhere.

At the national level laws to protect the right to freedom from violence, abuse and neglect are inconsistent and protection is patchy. Of 133 countries surveyed in the 2014 WHO Global Status Report on Violence Prevention survey, only 59 per cent said they have laws to prevent elder abuse but only 30 per cent said that these were fully enforced.[1] Domestic violence legislation does not, in general, specifically include older women.[2]

1. WHO, UNODC, UNDP, *Global Status Report on Violence Prevention 2014*, www.who.int/violence_injury_prevention/violence/status_report/2014/en/

2. www.un.org/esa/socdev/documents/ageing/neglect-abuse-violence-older-women.pdf



Clemence Eliah/HelpAge International – Tanzania

Annex 1: Consultation questions

The right to non-discrimination and equality

1. How are older women discriminated against?
2. How does discrimination in older age affect different groups of older women?
3. What does equality in older age mean to you?
4. What should the government do differently to ensure equality in older age?

The right to freedom from violence, abuse and neglect

1. What types of violence, abuse and neglect are older women subjected to?
2. How do violence, abuse and neglect affect different groups of older women?
3. What type of support services should older women have access to?
4. What steps should the government take to prevent violence, abuse and neglect in older age?

Annex 2: Countries the older women who participated in the consultation came from

Belize	Peru
Cambodia	Russian Federation
Chile	Serbia
Costa Rica	Slovenia
Kyrgyzstan	Tanzania
Moldova	Ukraine
Mongolia	Uganda
Nepal	United Kingdom
Nigeria	Zimbabwe
Panama	

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