**Mandate of the Independent Expert on the enjoyment of all human rights**

**by older persons**

**Call for contributions: The human rights of older women**

**General contribution related to the work of the CEDAW Committee**

We would like to present to the Independent Expert on the enjoyment of all human rights by older persons, Mrs. Claudia Mahler, a brief review of the work of the CEDAW Committee under the Convention which illustrates the priority given by the Committee to the rights of the older women in the context of the general monitoring and protection of women against all forms of discrimination.

1. The Convention on the Elimination of All Forms of Discrimination against Women/ CEDAW/, currently ratified by 189 countries, is the source of universal standards concerning the rights of all women to equality, identity, autonomy, economic independence and empowerment, including through clear obligations for States parties to adopt temporary special measures, and combat gender stereotyping to this end. The CEDAW Committee monitors the compliance of the States parties with the Convention through the consideration of State party reports and the constructive dialogue with the governments, issuing concluding observations and recommendations, and monitoring of the implementation of the concluding observations and recommendations. It initiates and adopts General recommendations on issues related to its monitoring work and of relevance for further interpretation of the Convention and guidance for the reporting by States parties.

2. The rights and protection from discrimination of all women, including older women, are enshrined in all the provisions of the CEDAW Convention, affirming the core obligations of States parties, as well as their obligations to respect, protect and fulfill the rights of women in all spheres, including protection form gender stereotyping and gender-based violence, trafficking and exploitation, in the spheres of political participation and decision-making, nationality, education, the right to work and social security, the right to economic benefits and independence, the rights of rural women and disadvantaged groups of women, women’s right to equality before the law and equal rights in marriage and family relations.

3. The specific focus on older women is expressed not only when monitoring the obligations of States parties but also explicitly in the Committee’s **General recommendations, in particular General Recommendation No. 27 (2010) on the rights of older women**, as well in General Recommendations No. 28 on core obligations, No. 35 on gender-based violence against women, and No. 37 on gender-related dimensions of disaster risk reduction in the context of climate change.

In GR No. 27 the Committee expresses concern about the multiple and multidimensional discrimination faced by older women, the lack of relevant statistical data and the fact their situation is not sufficiently addressed by States. This is still the case and discrimination against older women should be tackled also in view of its exacerbation in all spheres due to the COVID- 19 pandemic, affecting older women disproportionately.

GR No. 27 provides guidance to the States parties in their efforts to tackle and report on discrimination against older women and to ensure the contribution of older women in public and private life.

Main recommendations to States parties are related to:

* Full advancement and development of women through their life cycle both in peace and conflict situations;
* Right to information and access to legal services;
* Participation in paid work and guarantees that retirement age and other conditions do not discriminate against women;
* Access to appropriate social and economic benefits, access to housing;
* Comprehensive health-care policies, with special programmes where needed;
* Age- and gender-sensitive laws and policies for the protection of older women with refugee status and stateless women;
* Protection from discrimination of older widows, including in family relations.

Furthermore, in **GR No. 28 on the core obligations** **under the Convention**, the Committee states that: “*Intersectionality is a basic concept for understanding the scope of the general obligations of States parties contained in article 2 of the Convention. The discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status,* ***age,*** *class, caste and sexual orientation and gender identity. Discrimination on the basis of sex or gender may affect women belonging to such groups to a different degree or in different ways to men. States parties must legally recognize such intersecting forms of discrimination and their compounded negative impact on the women concerned and prohibit them”.*

**GR No. 35 on gender-based violence against women** further affirms that: *“Women’s experience of violence is shaped by factors such as their race, colour, religion, political or other opinion, national or social origin, property, marital status, sexual orientation, HIV/AIDS status, migrant or refugee status,* ***age****, or disability. Consequently, interventions should include targeted measures for particular groups of women, as appropriate.”*

Special attention to disadvantaged groups of women, including older women, is given by the Committee in **GR No. 37 on gender-related dimensions of disaster risk reduction in the context of climate change**, where the Committee states:

40. ***States parties should:***

*(a)* ***Establish or identify existing national and local mechanisms to collect, analyse and manage, and for the application of, data disaggregated by sex, age, disability, ethnicity and region. Such data should be made publicly available and used to inform gender-responsive national and regional disaster risk reduction and climate resilience legislation, policies, programmes and budgets;***

*(b)* ***Develop, on the basis of disaggregated data, specific and gender-responsive indicators and monitoring mechanisms to enable States parties to establish baselines and measure progress in areas such as the participation of women in initiatives relating to disaster risk reduction and climate change and in political, economic and social institutions.***

54. *(c)* ***Ensure that early warning information is provided*** using ***technology that is modern, culturally appropriate, accessible and inclusive, taking into account the needs of diverse groups of women. In particular, the extension of Internet and mobile telephone coverage, as well as other reliable and cost-effective communications technology such as radios, and the accessibility of that technology for all women, including women belonging to indigenous and minority groups, older women and women with disabilities, should be actively promoted within the context of programmes relating to disaster risk reduction and climate change;***

68.*(e)* ***Monitor the provision of health services to women by public, non-governmental and private organizations, to ensure equal access to and quality of care that responds to the specific health needs of diverse groups of women, in the context of disasters and climate change;***

*(f)* ***Require that all health services operating in situations of disaster function to promote the human rights of women, including the rights to autonomy, privacy, confidentiality, informed consent, non-discrimination and choice. Specific measures to ensure the promotion and protection of the rights of women and girls with disabilities, women and girls belonging to indigenous and minority groups, lesbian, bisexual and transgender women and girls, intersex persons, older women and women and girls belonging to other marginalized groups should be explicitly included in health-care policies and standards relating to situations of disaster.***

Older women in many countries represent an important part of the rural population. Concrete guidance to the States parties on the protection and empowerment of rural women is provided in **GR No. 34 on the rights of rural women,** where the specific needs of older women are explicitly and implicitly addressed in the concrete recommendations of the Committee.

4. In addition to the persistent general focus on the rights of older women, the Committee addresses concrete situations of risks of violations and violations of the rights of older women during the consideration of State party reports, during the dialogue and in its concluding observations and recommendations. This is based on concrete information contained in State party reports and other official, independent and alternative sources.

Here are some examples of such recommendations:

* In the ***Concluding Observations and Recommendations to Serbia*** (CEDAW/C/SRB/CO/4 of 14 March 2019), the Committee makes recommendations under article 5 on gender-based violence: **to conduct a survey on the prevalence and causes of GBV, including against older women and to ensure that all women victims have unimpeded access to effective protection from violence**.

Under article 14 on rural women and disadvantaged groups of women: **to conduct a survey to asses the situation and particular needs of vulnerable groups of women, including older women;**

* **In *the Concluding observations and Recommendations to Angola (***CEDAW/C/AGO/CO/7 of 14 March 2019) similar recommendations are made for **collecting disaggregated data on women from disadvantaged groups, based also on age specifics;**
* **In the *Concluding observations and Recommendations to Lithuania*** (CEDAW/C/LTU/CO/6 of 12 November 2019) important recommendations were made for the advancement of older women:
  + **To strengthen measures to address horizontal and vertical occupational segregation and enhance access for women to the labour market and for women who have reached pensionable age, among others;**
  + **To adopt policies to mitigate the impact of shrinking and aging of population on pensions and social benefits for older women.**

It is important to mention that the recommendation to ensure access by women, including older women, to the labour market (paragraph 37 b) **has been given priority by the Committee as a follow-up recommendation**, on which the State party was requested to report within the next two years.

Based on the work and expertise of the CEDAW Committee and the UN Independent Expert on the enjoyment of all human rights by older persons, we believe that the future report of the Independent Expert on the situation of older women will contribute to and enrich the information available to the Committee and will provide a further basis for cooperation between CEDAW, other treaty bodies and the Independent Expert in this field.