

EQUALITY AND DISCRIMINATION - OLD AGE

IV. CONCLUDING OBSERVATIONS

ICCPR

- Japan, ICCPR, A/54/40 vol. I (1999) 36 at para. 147.

The abolition of restrictions on women's eligibility to take the national public service examination, the abolition of discriminatory compulsory retirement, and of dismissals on grounds of marriage, pregnancy or childbirth are welcomed.

- Poland, ICCPR, A/54/40 vol. I (1999) 65 at para. 346.

Discrimination between retirement ages for men and women, which results in lower pensions for women, should be eliminated.

- Trinidad and Tobago, ICCPR, A/56/40 vol. I (2001) 31 at para. 72(11).

Priority should be given to all necessary preparations, so as to bring into force by proclamation at the earliest possible date the Equal Opportunities Act 2000, particularly in respect to the advancement of women. The State party should, thereafter, introduce amending legislation to extend the provisions of the Act to those suffering discrimination on grounds of age, sexual orientation, pregnancy or infection with HIV/AIDS.

ICESCR

- Poland, ICESCR, E/1993/22 (1992) 32 at para. 132.

Concern is expressed that the reduction of the budget for culture could lessen the opportunity for the expression and enjoyment of the rich cultural heritage of the State party. Special provisions should be made to ensure that the elderly would be able to continue to enjoy and participate in the cultural life of the country in full measure.

- Australia, ICESCR, E/1994/23 (1993) 36 at para. 159.

The appropriateness of the efforts being undertaken by the Government to identify the needs of disadvantaged groups and to continue to draw on the results of studies and reviews in the

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development of policy initiatives to respond to the needs of such groups is emphasized. The importance attached to the economic, social and cultural rights of persons with disabilities and of the elderly is emphasized and therefore it is urged that the Government direct major efforts towards assessing and addressing the needs of these groups in relation to their rights under articles 13 and 15 of the Covenant.

- United Kingdom of Great Britain and Northern Ireland, ICESCR, E/1995/22 (1994) 52 at paras. 294 and 303.

Paragraph 294

It is noted with concern that the present level of social security payments available to the elderly appears to be insufficient to permit them to enjoy fully their rights under the Covenant. The health and social problems facing elderly people who are totally dependent on Comprehensive Social Security Assistance payments are of particular concern.

Paragraph 303

The existing social security system should be reviewed as soon as possible, with a view to addressing the inadequacies of benefits for older persons.

- Ukraine, ICESCR, E/1996/22 (1995) 50 at paras. 266 and 275.

Paragraph 266

It is noted with concern that social services are not adequate to ensure a minimum standard of living for the most vulnerable groups, including pensioners, unemployed persons, persons with disabilities and non-citizens.

Paragraph 275

The Government should continue to make full use of international assistance in the collection and analysis of data in general, including data regarding the most vulnerable groups of persons, and in addressing their needs. Such categories of persons include pensioners, the unemployed, children with disabilities, children assigned to homes or institutions, members of repatriated minority groups and victims of the Chernobyl accident.

- Guatemala, ICESCR, E/1997/22 (1996) 29 at para. 127.

Extreme concern is expressed over the adverse effects which the economic and social disparities existing in the country have on the enjoyment of economic, social and cultural rights by the majority of the population, particularly by the indigenous and rural populations of Guatemala, as well as by

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other vulnerable groups in society, especially children, persons with disabilities and elderly persons.

- United Kingdom of Great Britain and Northern Ireland (Hong Kong), ICESCR, E/1997/22 (1996) 58 at paras. 344, 349 and 360.

Paragraph 344

It is of deep concern that there is no comprehensive mandatory old-age social security scheme in Hong Kong and that approximately 60 per cent of the population is not protected by any public or private pension plan.

Paragraph 349

It is of deep concern that the standard of living of elderly singletons in the lowest 20 per cent income group who are not receiving CSSA is lower than that of CSSA recipients. It is noted that many of these singletons live in substandard accommodation.

Paragraph 360

The Hong Kong Government should consider again the adoption of a universal, comprehensive retirement-protection scheme which seeks to ensure that disadvantaged groups are accorded full access to social security.

See also:

- Hong Kong Special Administrative Region (China), ICESCR, E/2002/22 (2001) 39 at paras. 177 and 190.
- Luxembourg, ICESCR, E/1998/22 (1997) 69 at para. 397.

Concern is expressed about the absence of specialized geriatric doctors and facilities to address the problems of the large ageing population in the State party.

- The Netherlands, ICESCR, E/1999/22 (1998) 37 at paras. 180 and 190.

Paragraph 180

A third group which suffers from discrimination in the labour market is that of persons 55 to 65 years of age, whose unemployment rate is over 50 per cent.

Paragraph 190

Measures should be adopted to promote the access of persons between the ages of 55 and 65 to the

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labour market.

- Ireland, ICESCR, E/2000/22 (1999) 33 at para. 135.

The persistence of poverty among disadvantaged and vulnerable groups, notably the disabled, the traveller community, children, elderly women and single women with children, is of concern. Moreover, it is noted with concern that social welfare payments are not above the poverty line.

- Bulgaria, ICESCR, E/2000/22 (1999) 46 at para. 238.

Having in mind the increase in the number of older persons in the State party, it is recommended that the State party take affirmative action for the well-being of older persons.

- Finland, ICESCR, E/2001/22 (2000) 73 at paras. 433, 446 and 458.

Paragraph 433

The inclusion in the State party's Constitution of age as a prohibited ground of discrimination is noted with satisfaction.

Paragraph 446

Particular concern is expressed about certain municipalities that allocate insufficient funds to health care services. This has resulted in inequality with regard to levels of health care service provision depending on the place of residence, to the detriment in particular of children, persons with physical and mental disabilities and older persons.

Paragraph 458

The State party is called upon to ensure that municipalities provide adequate health services, especially to vulnerable groups such as children, older persons and persons with physical and mental disabilities.

- Belgium, ICESCR, E/2001/22 (2000) 77 at para. 474.

The State party has not sufficiently addressed the long-term unemployment of persons over 45 years of age, nor the situation of those who have been forced into early retirement.

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- Hong Kong Special Administrative Region (China), ICESCR, E/2002/22 (2001) 39 at paras. 180, 183, 193 and 198.

Paragraph 180

The widespread and unacceptable incidence of poverty is of grave concern. It is of special concern that a large number of older persons continue to live in poverty without effective access to social services.

Paragraph 183

There is concern that many individuals, including women who are homemakers, persons with disabilities and older persons, are excluded from the Mandatory Provident Fund Scheme.

Paragraph 193

The authorities are urged to prohibit discrimination on the basis of age.

Paragraph 198

A comprehensive pension system should be adopted that provides adequate retirement protection for the entire population, in particular for housewives, self-employed persons, older persons and persons with disabilities.

- Japan, ICESCR, E/2002/22 (2001) 90 at paras. 599, 602, 606, 626, 629 and 633.

Paragraph 599

Concern is expressed that from the age of 45, workers run a greater risk of having their salaries reduced or even being laid off without adequate compensation.

Paragraph 602

The consequences of the recent changes to the public pension system are of concern, which involve a gradual increase in the age of eligibility from 60 to 65 years. If the retirement age and the age for eligibility for public pension benefits do not coincide, there may be a loss of income for those who are obliged to retire before the age of 65.

Paragraph 606

It is of concern that despite large resettlement programmes planned and executed by Hyogo Prefecture in the aftermath of the great Hanshin-Awaji earthquake, the population most affected has not always been consulted adequately, and as a consequence, many single older persons now live in environments totally unfamiliar to them with little or no personal attention. Apparently, little or no psychiatric or psychological treatment is being offered for people who have lost their families. Many resettled earthquake victims who are over 60 years of age lack community centres, access to health

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centres and outpatient nursing.

Paragraph 626

Measures should be taken to ensure that workers over the age of 45 years maintain their previous levels of wages and job security.

Paragraph 629

As the age of eligibility for the public pension system gradually increases from 60 to 65 years, measures should be undertaken to secure social security benefits for those retiring before the age of 65.

Paragraph 633

Hyogo Prefecture should be encouraged to step up and expand its community services, in particular to older and disabled persons.

- Germany, ICESCR, E/2002/22 (2001) 97 at paras. 665, 666, 683 and 684.

Paragraph 665

The Government's reformed social security, and the pension system under reform, do not sufficiently take into consideration the needs of families, women, elderly persons and the more disadvantaged groups in society. Although the pension reform is currently still in progress, the Federal Constitutional Court recently referred to potential discrimination against families under the scheme as envisaged.

Paragraph 666

Grave concern is expressed about inhumane conditions in nursing homes owing to structural deficiencies in nursing, as confirmed by the Medizinischer Dienst der Spitzenverbände der Krankenkassen (Medical Service of the national associations of health insurance funds).

Paragraph 683

The reformed social security system and the pension system under reform should take into account the situation and needs of disadvantaged and vulnerable groups in society. In particular, the State party is strongly urged to address the problems and deficiencies emerging in the implementation of the long-term insurance scheme.

Paragraph 684

Urgent measures should be adopted to improve the situation of patients in nursing homes.

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CEDAW

- Czech Republic, CEDAW, A/53/38/Rev.1 part I (1998) 16 at para. 196.

The increase in over-protective measures for pregnancy and motherhood, as well as early retirement policies for women, are noted with concern.

- Bulgaria, CEDAW, A/53/38/Rev.1 part I (1998) 19 at para. 234.

As embodied in the Convention, special, temporary measures or affirmative action means the establishment of programmes that advantage women more than men. They require undermining formal equality for a certain period of time in order to achieve *de facto* equality in the long term. The reference by the representative of the Government of Bulgaria to earlier retirement ages for women than men is not regarded as a measure of affirmative action.

- Republic of Korea, CEDAW, A/53/38/Rev.1 part II (1998) 76 at para. 384.

Special attention should be given to the realization of the right to social security provided by the 1955 Unemployment Insurance Scheme to disabled women. The policy to provide a variety of programmes for older women, including the promotion of their health, should not be jeopardized by the present economic crisis.

- Spain, CEDAW, A/54/38/Rev.1 part II (1999) 67 at para. 270.

The situation of older women should be addressed in a comprehensive manner, as a matter of priority, and in a cross-cutting and cross-sectoral manner, with emphasis on older women's pension entitlements. It is recommended that the care requirements for older persons be addressed through public policy measures in order to establish societal responsibility for their well-being, rather than allowing them to remain predominantly as women's unpaid responsibility.

- United Kingdom of Great Britain and Northern Ireland, CEDAW, A/54/38/Rev.1 part II (1999) 71 at para. 315.

The situation of older women should be addressed in a cross-cutting and cross-sectoral manner, with a view to ensuring adequate provision for their physical, mental, economic and social well-being.

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- Belarus, CEDAW, A/55/38 part I (2000) 34 at para. 365.

Concern is expressed at the economic situation of women, which is characterized by poverty and unemployment, displacement of women from the labour market and even from sectors previously dominated by women. The economic situation of particularly vulnerable groups of women, such as those with sole responsibility for families, older women and women with disabilities, is an additional matter of concern.

- Lithuania, CEDAW, A/55/38 part II (2000) 61 at paras. 142, 143, 160 and 162.

Paragraph 142

Concern is expressed about the situation of women in the labour market, and in particular about the fact that the official unemployment statistics do not take account of the hidden unemployment of women or of their informal employment and underemployment. While the official overall unemployment rate of women is slightly lower than that of men, such general statistics hide the fact that there tends to be a higher number of women among the long-term and the higher-educated unemployed, and in the older age groups that more women than men are unemployed.

Paragraph 143

The Government should design and implement specific targeted programmes for different groups of unemployed women, addressing their training needs in different employment areas with a view to future-oriented jobs.

Paragraph 160

Concern is expressed over the fact that the Government does not have enough information on the situation of rural women, especially older rural women, as concerns their cash income, health situation, access to free health care services and social and cultural opportunities.

Paragraph 162

The situation of older women, who constitute a large proportion of the population, is of concern. Gender-sensitive policies and programmes that address the specific needs of older women should be designed and implemented. Social workers should be provided with gender-sensitive education and training in order to be able to recognize and meet those needs.

- Austria, CEDAW, A/55/38 part II (2000) 70 at paras. 230 and 236.

Paragraph 230

With respect to violence against women, notwithstanding the extensive measures already undertaken, the Government is urged to ensure ongoing education for law enforcement officials and the judiciary,

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including their sensitization to violence against women in migrant communities, and to extend such programmes to health professionals. Particular attention should be paid to the physical, emotional and financial abuse of elderly women.

Paragraph 236

Concern is expressed over the situation of single women and, in particular, the disadvantages suffered by never-married and divorced elderly women in terms of retirement pensions and social security benefits. The Government should take into consideration current social trends when designing policies so as to meet the needs of the increasing number of single women in the country.

- Romania, CEDAW, A/55/38 part II (2000) 77 at paras. 310, 311, 316 and 317.

Paragraph 310

Concern is expressed over the high rate of illiteracy of women over 50 years of age and the extremely wide gap in illiteracy between the urban and rural populations, as well as the high dropout rates for girls at secondary level.

Paragraph 311

Measures should be taken to increase the literacy levels of older women, and to reduce the literacy gap between urban and rural women. Efforts should also be made to ensure that education, including continuing education and adult literacy programmes, are targeted to women and include training in new information and communications technologies to provide women and girls with the skills required in a knowledge-based economy.

Paragraph 316

The growing number of elderly women living in poverty is of concern.

Paragraph 317

While the adoption of the law on pensions and the law on assistance for the elderly is appreciated, the proposed Social Security Code, which will include social assistance for persons without pension benefits, mostly elderly women in need, should be adopted.

- Kazakhstan, CEDAW, A/56/38 part I (2001) 10 at paras. 103 and 104.

Paragraph 103

Concern is expressed over the high increase in poverty among women compared with men, in particular among households headed by females and older and rural women.

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Paragraph 104

The specific targeting of poor women and, particularly those who are heads of household and older and rural women, with poverty alleviation programmes is recommended.

- The Netherlands, CEDAW, A/56/38 part II (2001) 63 at para. 215.

Elderly women may be marginalized within, as well as insufficiently covered by, the health insurance and pension systems. Special attention should be paid to the needs of elderly women in “Daily routine” programmes.

- Viet Nam, CEDAW, A/56/38 part II (2001) 68 at paras. 270 and 271.

Paragraph 270

The retirement ages for women and men differ and this has negative effects on women’s economic well-being. There is also concern that the retirement age is negatively affecting the access of rural women to land.

Paragraph 271

The existing legal provisions regarding the retirement age of women and men should be reviewed, with a view to ensuring that women are entitled to continue productive employment on an equal basis with men. The Land Law should also be evaluated and any provisions which discriminate, directly or indirectly, against women should be eliminated.