

## **EQUALITY AND DISCRIMINATION - OLD AGE**

### **IV. CONCLUDING OBSERVATIONS, CONTINUED**

#### **ICCPR**

- Germany, ICCPR, A/59/40 vol. I (2004) 39 at para. 68(17).

(17) The Committee notes the vulnerable situation of elderly persons placed in long-term care homes, which in some instances has resulted in degrading treatment and violated their right to human dignity (art. 7).

The State party should pursue its efforts to improve the situation of elderly persons in nursing homes.

- Poland, ICCPR, A/60/40 vol. I (2004) 40 at para. 85(5).

(5) The Committee notes with satisfaction improvements made in the area of women's rights, in particular by the appointment of a Government Plenipotentiary on the Equal Status of Women and Men. It also welcomes the extension of the Plenipotentiary's competence to issues relating not only to discrimination on the basis of sex but also on grounds of race and ethnic origin, religion and beliefs, age and sexual orientation.

- Greece, ICCPR, A/60/40 vol. I (2005) 60 at para. 90(5).

(5) The Committee welcomes the recent adoption by Parliament of a law on the implementation of the principle of equal treatment irrespective of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation.

#### **ICESCR**

- Croatia, ICESCR, E/2002/22 (2001) 125 at para. 895.

895. The Committee is deeply concerned about the scale of unemployment in the State party, which creates conditions in which the right to work cannot be enjoyed by a considerable part of the population, particularly in those areas with large numbers of returnees. The Committee is also concerned about reports of discrimination in employment on the basis of gender, age and ethnic origin.

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- Jamaica, ICESCR, E/2002/22 (2001) 130 at paras. 933 and 946.

933. The Committee is concerned that the social security scheme of the State party does not provide for universal coverage and that it excludes a considerable portion of the disadvantaged and marginalized groups in society, including older persons, single parents and persons with disabilities. The Committee expresses particular concern about the declining expenditure on social security and that the system does not sufficiently address the needs of a rapidly ageing population.

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946. The Committee recommends that the State party strive for universal coverage of the social security system in Jamaica, giving priority to the disadvantaged and marginalized groups in society. In particular, the Committee strongly recommends the formulation and implementation of strategies to ensure adequate coverage for the population group eligible for retirement benefits. The Committee encourages the State party to explore the possibilities of international cooperation in this regard as provided for under article 2, paragraph 1, of the Covenant.

- United Kingdom of Great Britain and Northern Ireland, ICESCR, E/2003/22 (2002) 39 at para. 221.

221. The Committee reiterates its concern about the persistence of considerable levels of poverty, especially in certain parts of the country, such as Northern Ireland, and among certain sections of the population, such as ethnic minorities, persons with disabilities and older persons. Moreover, despite measures taken by the State party to combat poverty and social exclusion, the gap between the rich and poor in the State party has increased, according to information provided by the State party...

- Trinidad and Tobago, ICESCR, E/2003/22 (2002) 45 at paras. 262 and 285.

262. The Committee is concerned about the lack of specific and comprehensive anti-discrimination legislation in the State party. The Committee is particularly concerned that the Equal Opportunity Act 2000 does not afford protection to individuals on the grounds of sexual orientation, age and HIV/AIDS status, among others.

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285. The Committee recommends that the State party take legislative and other effective measures to eliminate discrimination, in accordance with article 2, paragraph 2 of the Covenant. In particular, the Committee wishes to encourage the State to undertake proactive policies to promote the rights of individuals, especially with regard to their sexual orientation and HIV/AIDS status.

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- Poland, ICESCR, E/2003/22 (2002) 54 at paras. 360 and 382.

360. The Committee notes with concern the different retirement ages for men (65) and women (60), which in practice result in lower pensions for women.

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382. The Committee recommends the adoption of the same age of retirement for men and women.
- Georgia, ICESCR, E/2003/22 (2002) 60 at paras. 422 and 439.

422. The Committee expresses concern about the poor living conditions of the majority of the State party's population, including an inadequate supply of water and irregular provision of electricity and heating, which particularly affect the most disadvantaged and marginalized groups of society, such as older persons, persons with disabilities, internally displaced persons, prisoners and persons living in poverty.

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439. The Committee urges the State party to continue its efforts to improve the living conditions of its population, in particular by ensuring that the infrastructure for water, energy provision and heating is improved, and by paying priority attention to the needs of the most disadvantaged and marginalized groups of society, such as older persons, persons with disabilities, internally displaced persons, prisoners and persons living in poverty.
- Democratic People's Republic of Korea, ICESCR, E/2004/22 (2003) 71 at paras. 530 and 551.

530. The Committee is concerned about the consequences of the widespread famine suffered by the country from the mid-1990s and that certain groups, in particular women, children and older persons, have been more severely affected than others and have not received proper assistance in order to alleviate their plight.

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551. The Committee recommends that the State party establish appropriate mechanisms to guarantee equal access for the more vulnerable groups to international food aid and give priority to these groups in food programmes.
- Spain, ICESCR, E/2005/22 (2004) 34 at paras. 235 and 252.

235. The Committee is concerned that the level of unemployment remains high (11.3 per cent), particularly among young people and women (15.7 per cent as compared to 8.1 per cent among men). The high rate of long-term unemployment, particularly affecting persons

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above the age of 40, unemployment among the Roma, well above the national average, and significant regional disparities in unemployment, ranging from 5.23 per cent in Navarra to 20.19 per cent in Andalucía (data for 2002), are also causes of concern.

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252. The Committee recommends that the State party continue strengthening programmes to reduce unemployment targeting the most affected regions and groups...

- Italy, ICESCR, E/2005/22 (2004) 54 at para. 458.

458. The Committee urges the State party to take effective measures to ensure that forced evictions of Roma and tenants who cannot pay their rents comply with the guidelines established by the Committee in its General Comment No. 7 (1997) on the right to adequate housing (article 11, paragraph 1, of the Covenant): forced evictions, and to provide more housing units to cater for the needs of the disadvantaged and marginalized groups, including older persons, people with disabilities and immigrants.

- Zambia, ICESCR, E/2006/22 (2005) 19 at paras. 90 and 112.

90. The Committee regrets the lack of the exact percentage of GDP spent on social security. The Committee also takes note of the State party's acknowledgement that the amount is minimal and that it has declined over the years. The Committee is further concerned that comprehensive social protection is not available to the vast majority of the population, in particular low-income workers, workers over 55 years of age and workers employed in the informal sector.

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112. The Committee urges the State party to extend the protection under the National Pension Scheme Authority to cover low-income workers, workers over 55 years of age and workers employed in the informal sector, especially in rural areas.

- China, ICESCR, E/2006/22 (2005) 25 at paras. 148 and 178.

148. The Committee is concerned about the problem of the sale of women and girl children and of the abandonment of elderly women.

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178. The Committee strongly recommends that the State party undertake effective public education measures, including awareness-raising programmes designed to eliminate gender-based prejudices and traditional practices that are harmful to women and girls...

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- China (Hong Kong Special Administrative Region), ICESCR, E/2006/22 (2005) 34 at paras. 207, 213, 215, 219, 225 and 227.

207. The Committee regrets that the Hong Kong Special Administrative Region has not implemented a number of the recommendations contained in its concluding observations of 2001.<sup>9/</sup> The Committee wishes to reiterate in particular its concern at the following issues:

(a) The absence in current anti-discrimination legislation of provisions relating to discrimination on the basis of race, sexual orientation and age;

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(e) The exclusion of many individuals, including women who are homemakers, persons with disabilities and older persons, from the Mandatory Provident Fund Scheme, due to their inability to make sufficient voluntary contributions;

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213. The Committee is seriously concerned that under the existing social security system, and in particular under the Comprehensive Social Security Assistance, the levels of benefit are not sufficient to guarantee a decent standard of living and that many low-income persons, in particular older persons, are not covered by the scheme. The Committee is further concerned that new migrants are unable to apply for Comprehensive Social Security Assistance due to the seven-year residence requirement.

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215. The Committee notes with regret that the information provided on the extent of poverty and social exclusion in the Hong Kong Special Administrative Region was insufficient. The Committee is also concerned about reports of increasing poverty among older persons, especially since the Hong Kong Special Administrative Region is facing the problem of a rapidly ageing society.

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219. The Committee once again urges the Hong Kong Special Administrative Region to implement the Committee's relevant suggestions and recommendations contained in its concluding observations adopted in 2001,<sup>9/</sup> as well as in the current ones, and urges it to undertake whatever relevant concrete measures may be necessary towards their implementation.

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225. The Committee urges the Hong Kong Special Administrative Region to review the eligibility criteria for the CSSA so as to ensure that all those in need, including low-income persons and families, older persons and new migrants, are adequately covered by the scheme to enable them to enjoy a decent standard of living.

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227. The Committee urges the Hong Kong Special Administrative Region to strengthen its efforts to combat poverty and social exclusion, in particular with regard to disadvantaged and marginalized groups and older persons. The Committee also recommends that the State party establish an official poverty line, which would enable the State party to define the

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extent of poverty and to monitor and evaluate progress in alleviating poverty...

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### Notes

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9/ *Official Records of the Economic and Social Council, 2002*, Supplement No. 2 (E/2002/22-EC.12/2001/17), chap. IV, paras. 189 to 210.

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- Serbia and Montenegro, ICESCR, E/2006/22 (2005) 41 at paras. 288 and 315.

288. The Committee is concerned about the extent of poverty among older persons and about the fact that home care is still insufficiently developed.

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315. The Committee recommends that, in applying its Poverty Reduction Strategy, the State party take special measures to alleviate the extent of poverty among older persons and that priority be given to home care rather than institutionalization of older persons in need of care. The State party should allocate sufficient funds to that effect and strengthen the role of non-profit organizations in the provision of home care and other social services.

### CEDAW

- Iceland, CEDAW, A/57/38 part I (2002) 27 at paras. 249 and 250.

249. The Committee expresses concern about the change of the pension system, which has negatively impacted on women more than men.

250. The Committee recommends that the State party study the impact of the pension system on women and take appropriate measures to avoid poverty among older women.

- Sri Lanka, CEDAW, A/57/38 part I (2002) 31 at paras. 296 and 297.

296. The Committee is concerned about the high percentage of households headed by women, many of whom are elderly, many illiterate and with meagre means of living.

297. The Committee urges the State party to develop policies and programmes to improve the situation of women-headed households and elderly women, including recognizing women-headed households as equal recipients and beneficiaries of development programmes.

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- Suriname, CEDAW, A/57/38 part II (2002) 82 at paras. 37, 65 and 66.

37. The Committee commends the State party for its sponsorship and promotion of the issue of older women at the international level.

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65. ...The Committee is...concerned about the absence of detailed information on the situation of older women in rural areas.

66. The Committee urges the State party to give full attention to the needs of rural women, including older women, particularly Amerindian and Maroon women, to ensure that they benefit from policies and programmes in all areas, in particular access to health, education, social services and decision-making...

- Tunisia, CEDAW, A/57/38 part II (2002) 102 at paras. 202 and 203.

202. While noting the reduction in the general illiteracy rate of women, the Committee is concerned that the rate is still high among certain groups of women, particularly rural women and older women.

203. The Committee encourages the State party to further implement programmes specifically designed to reduce female illiteracy, particularly among rural and older women.

- Zambia, CEDAW, A/57/38 part II (2002) 107 at paras. 238 and 239.

238. The Committee... xpresses serious concern about the number of older women who have been murdered for superstitious reasons by family members or by others in Zambia in recent years.

239. The Committee urges the State party to assign the issue of violence against women high priority and to recognize that such violence constitutes a violation of the human rights of women under the Convention... It also recommends the establishment of counselling services for the victims and public awareness campaigns in order to adopt and implement a zero tolerance policy with regard to all forms of violence against women and girls...

- Switzerland, CEDAW, A/58/38 part I (2003) 20 at para. 102.

102. The Committee notes with appreciation the significant law reform undertaken in the State party in several areas in conformity with the Convention, particularly: ...the tenth revision of the Federal Act on old-age and survivors' insurance (1997), establishing a system

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of individual pensions independent of civil status...

- Luxembourg, CEDAW, A/58/38 part I (2003) 47 at para. 295.

295. The Committee commends the State party for adopting new laws in support of the goal of gender equality: the law on pensions, which plays a key role in preventing poverty among older people, particularly women...

- Canada, CEDAW, A/58/38 part I (1003) 53 at paras. 357 and 358.

357. While appreciating the federal Government's various anti-poverty measures, the Committee is concerned about the high percentage of women living in poverty, in particular elderly women living alone, female lone parents, aboriginal women, older women, women of colour, immigrant women and women with disabilities, for whom poverty persists or even deepens, aggravated by the budgetary adjustments made since 1995 and the resulting cuts in social services. The Committee is also concerned that those strategies are mostly directed towards children and not towards these groups of women.

358. The Committee urges the State party to assess the gender impact of anti-poverty measures and increase its efforts to combat poverty among women in general and the vulnerable groups of women in particular.

- Costa Rica, CEDAW, A/58/38 part II (2003) 86 at paras. 66 and 67.

66. The Committee notes with concern that the impact of poverty is greater among women and that the State does not apply the gender perspective in its national activities to combat poverty.

67. The Committee requests the State party to pay specific attention to households headed by women and to groups of women in a vulnerable situation, as well as to rural women, older women, indigenous women and disabled women, in drawing up and implementing programmes to combat poverty, and to seek to ensure their access to production resources, education and technical training.

- Brazil, CEDAW, A/58/38 part II (2003) 93 at para. 92.

92. The Committee commends the State party on its Federal Constitution of 1988 that enshrines the principle that men and women have equal rights and duties; prohibits



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discrimination in the labour market by reason of sex, age, colour or marital status; protects motherhood as a social right by ensuring maternity leave without the loss of job and salary; and establishes the duty of the State to suppress violence within the family.

- France, CEDAW, A/58/38 part II (2003) 116 at paras. 263 and 264.

263. The Committee expresses concern about actual and potential poverty situations among older women on account of having experienced multiple forms of discrimination throughout their economically active years. It also expresses concern that the structuring of the welfare system might affect older women more negatively than men.

264. The Committee recommends that the State party research the needs of older women and develop measures that adequately address their health, economic and emotional situation in order to avoid poverty and isolation. It also recommends that the State party take women's unpaid and paid employment patterns and family responsibilities into account when altering legal and policy measures in order to avoid discrimination of effect.

- New Zealand, CEDAW, A/58/38 part II (2003) 138 at para. 402.

402. The Committee welcomes the State party's recognition of the various needs of its ageing population, the majority being women, and the development of policies to address these needs.

- Belarus, CEDAW, A/59/38 part I (2004) 55 at paras. 353 and 354.

353. The Committee is concerned about the feminization of poverty, particularly among vulnerable groups of women, such as those heading households, older women and rural women.

354. The Committee requests the State party to ensure that all poverty alleviation programmes fully benefit women, according to their needs...

- Croatia, CEDAW, A/60/38 part I (2005) 30 at paras. 194 and 195.

194. The Committee expresses concern about the serious disadvantages women face in the labour market, as reflected in women's high unemployment rate, the persistence of strong vertical and horizontal segregation, wage differentials between women and men and the predominance of women in low-wage sectors. The Committee expresses its particular

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concern about the situation of women older than 40 years...

195. The Committee urges the State party to ensure *de facto* equal opportunities for women and men in the labour market through, *inter alia*, effective implementation of labour legislation and the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures. It urges the State party to encourage women to use existing complaints mechanisms in cases of possible labour market discrimination. The Committee recommends that efforts be made to eliminate occupational segregation and age discrimination against women through education, training and retraining measures, and better use of enforcement mechanisms...

- Ireland, CEDAW, A/60/38 part II (2005) 151 at paras. 392 and 393.

392. While recognizing that the second National Action Plan against Poverty and Social Exclusion and the National Anti-Poverty Strategy provide for an integrated focus on addressing the needs of specific groups, including women, the Committee is concerned at the situation of vulnerable groups of women who are considered to be at high risk of consistent poverty and social exclusion, including rural women, older women, Traveller women, women who are single parents and women with disabilities. The Committee is particularly concerned at the barriers faced by those vulnerable groups in relation to access to education, employment, health care and other social services.

393. The Committee recommends that the State party closely monitor the situation of poverty and social exclusion of women in the most vulnerable groups and implement effective measures and training programmes that will allow them fully to enjoy the benefits of the State party's prosperity. The Committee also recommends that a gender impact analysis of all social and economic policies and anti-poverty measures be conducted regularly. It further recommends that the State party consider allowing for the Homemaker's Scheme (1994) to be applied retroactively so as to benefit older women.

### CAT

- Latvia, CAT, A/59/44 (2003) 48 at para. 98.

98. The Committee notes with appreciation the ongoing efforts by the State party aimed at strengthening human rights in Latvia. In particular, the Committee welcomes the following:

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(a) Legislative measures:

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(vii) The draft new Amnesty Law, providing either for the release or the reduction of the term of imprisonment of those groups at risk, such as minors, pregnant women, women with infant children, disabled persons and the elderly;

...