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Submission to the Independent Expert on the human rights of older persons' 'call for input: thematic report on the human rights of older women'

Just Fair, Women's Budget Group, Backto60 and the National Pensioners Convention (Women's Working Party)

Background

- Just Fair¹ is a UK charity that is working to realise a fairer and more just society by monitoring and advocating for economic, social and cultural rights in the UK. We aim to ensure that the UK's law, policy, and practice comply with its human rights obligations and commitments pertaining to economic, social and cultural rights. We are committed to increasing public awareness of international and domestic human rights law, and the capability of the UK Government and relevant public bodies to respect, protect and fulfil economic, social and cultural rights.
- The UK Women's Budget Group (WBG)² is an independent network of leading academic researchers, policy experts and campaigners that analyses the gendered impact of economic policy on different groups of women and men and promotes alternative policies for a gender equal economy.
- The National Pensioners' Convention (NPC)³ is the campaigning organisation for older people in the UK. The priority of the NPC Women's Working Party is to promote equality and diversity and to raise the issues which are of concern and importance to older women by maintaining contact through networks within our own and other relevant organisations. Additionally it produces and circulate useful data and informative material to women within the NPC organisation and beyond.
- Backto60,⁴ also called Backto60.com, is a grassroots initiative made up of volunteers who have mounted a legal challenge in the matter of discrimination regards the stealth deferrals of 3.8m #50sWomen's earned dues in the context of State Pensions. Backto60 expects a Supreme Court Hearing on this. Backto60 awaits a decision from CEDAW Committee, Geneva regards a possible investigation into the UK Government in the matter. Backto60 has launched CEDAWpt.com⁵ in the name of all Women and Girls. Backto60 plan to transpose a Women's Bill of Rights into domestic law by presenting the draft legislation and CEDAW People's Tribunal Reports to the UK Government's Prime Minister.

¹ <https://justfair.org.uk/>

² <https://wbg.org.uk/>

³ <https://www.npcuk.org/>

⁴ <https://www.backto60.com/>

⁵ <https://www.cedawpt.com/>

- This submission provides evidence from older people's rights and women's rights groups in the UK, which shows how older women experience ageing differently and specific human rights concerns and challenges they face. In particular we provide examples which indicate the causes of the discrimination and inequality affecting older women in the UK.

Economic, social and cultural realities lived by older women

What are the specific challenges and concerns faced by older women, including on the basis of their accumulated life experience as compared to older men, in enjoying their economic, social and cultural rights (for example in terms of social protection, health, education, work, adequate standard of living, land and property ownership)?

State pensions, private pensions, and the gender gap

Although pensioner poverty in the UK has declined significantly in the last two decades, female pensioners, and particularly women living alone, are at considerably higher risk of poverty.⁶ 23% of single women pensioners are living in poverty, compared to 18% of single men and 13% of those in pensioner couples.⁷

This pensioner poverty gap is largely the result of women's caring and domestic responsibilities which lead to interrupted work histories and lower lifetime earnings. State pensions have become more inclusive for those who take family caring breaks and are also redistributive. But for those retiring before April 2016, because the full amount of the Basic State Pension (BSP) remains nearly £40 per week below the threshold for means-tested (single rate) Pension Credit, this improvement has had a limited effect on gender income inequality among pensioners. Additional State Pensions (SERPS and State Second Pension) are on average lower for women than for men.⁸

The Women's Budget Group's research suggests that private pension schemes favour those with continuous full-time employment and high lifetime earnings.⁹ Moreover, research shows that among those aged 60-64, nearly two thirds of women have no private pension wealth, and the gender differential in private pension wealth is substantial over age 65.¹⁰ Among 65-74 year old median private pension wealth is £164,700 for men and £17,300 for women (just over 10% of the private pension wealth of men).¹¹

Increase in the state pension age

The State Pension Age (SPA) increase from 60 to 65 over the period April 2010 to 2020 has affected over 3.7 million women (1950s born women), with 58-62% of those affected seeing their pension age rise by 6 years.¹² According to research by Back to 60, the loss of state pension income has cost 1950s born women approximately 5.1 billion GBP per year in lost

⁶ <https://wbg.org.uk/analysis/the-female-face-of-poverty/>

⁷ Age UK (2018) Poverty in later life (<http://bit.ly/2r0v9rv>)

⁸ <https://wbg.org.uk/analysis/uk-policy-briefings/spring-budget-2021-pensions-and-gender/>

⁹ <https://wbg.org.uk/wp-content/uploads/2020/02/final-pensions-2020.pdf>

¹⁰ Jethwa, C. (2019) Understanding the Gender Pensions Gap, London: PPI., (<https://bit.ly/2JwDcFx>)

¹¹ <https://wbg.org.uk/wp-content/uploads/2020/02/final-pensions-2020.pdf>

¹² <https://commonslibrary.parliament.uk/research-briefings/cbp-7405/>

earnings.¹³ Back to 60's research finds that the gender gap for private pensions is considerably higher than state pensions at approximately 66%,¹⁴ which many women rely on whilst awaiting their State Pension.

The State Pension Age and older women's mental and physical health

According to Back to 60,¹⁵ the delay to their state pension payments, has been accompanied by "insufficient and improper communication of the changes" and this "severely negatively impacted the financial situation, as well as physical and mental health and wellbeing, of 1950s born women, following a lifetime of employment and pay inequality as well as unpaid care work for their families". In 2018, Back to 60 undertook a survey of 13,000 1950s born women, and found that the mental and physical wellbeing of 81% of those surveyed had been very negatively affected by the SPA increase, and 41% of those surveyed believe they have lost your identity as a direct result of SPA deferral.¹⁶ 26% of those surveyed were aware of other women who had ended their lives, 22% were aware of other women who had self-harmed, and 20% had themselves had feelings of self-harm, all as a direct result of the SPA deferral.¹⁷

The State Pension Age and older women's poverty

Research finds that the increase of the SPA for women has resulted in severe financial hardship for a vast number of 1950s born women, including increased poverty, reliance on state benefits, falling living standards and increased levels of low-paid and precarious employment.¹⁸ The financial impact of this is exacerbated by the consequences of a lifetime of unequal pay, employment discrimination and care burdens on women. The direct financial impact of the SPA increase for women has been multiplied by the effects of long-term economic inequality and employment discrimination experienced by 1950s born women. Income poverty for women aged 60- 62 has drastically increased since the reforms by 43%, from 14.8% to 21.2%, largely as a result of the SPA change reducing household incomes for 1950s born women.¹⁹

Life expectancies, social care, and older women

The Women's Budget Group reports that increases in healthy life expectancies in the most deprived areas have not kept up with overall life expectancies.²⁰ According to research this has meant that people living in these areas can expect to enjoy two decades less in good

¹³ <https://www.ifs.org.uk/publications/9566>

¹⁴ https://www.pensionspolicyinstitute.org.uk/media/3185/20190604-the-gender-pensions-gap-can-it-be-closedpub.pdf?utm_medium=email&utm_campaign=Published%20today%20Briefing%20Note%20114%20-%20The%20gender%20pensions%20gap%20-%20can%20it%20be%20closed&utm_content=Published%20today%20Briefing%20Note%20114%20-%20The%20gender%20pensions%20gap%20-%20can%20it%20be%20closed+CID_5084799d72fa25ae1de3e7936e10ae0b&utm_source=Email%20marketing%20software&utm_term=To%20download%20Briefing%20Note%20114%20please%20click%20here

¹⁵ <https://committees.parliament.uk/writtenevidence/3028/html/>

¹⁶ <https://sossilenceofsuicide.org/sos-silence-of-suicide-backto60-mental-health-impact-survey-results/>

¹⁷ <https://sossilenceofsuicide.org/sos-silence-of-suicide-backto60-mental-health-impact-survey-results/>

¹⁸ <https://committees.parliament.uk/writtenevidence/3028/html/>

¹⁹ <https://committees.parliament.uk/writtenevidence/3028/html/>;

<https://commonslibrary.parliament.uk/research-briefings/cbp-7405/>

²⁰ <https://wbg.org.uk/wp-content/uploads/2020/02/final-pensions-2020.pdf>

health than their counterparts in the least deprived areas. Social care is needed for longer periods in old age.²¹ However even prior to the Coronavirus pandemic social care in the UK was severely under-funded, leaving 1.5 million people with unmet care needs.²² Women are the majority of those needing care, the majority of care workers, and the majority of unpaid family carers.²³

At the same time the percentage of the population of working age reporting a disability has increased – from 15% in 2010/11 to 18% in 2017/18. According to the Women’s Budget Group’s research, some local authorities now spend more on social care for this group than they do for older people, and their needs now account for 64% of the pressures on the adult social care budgets compared with 58% in 2018-19”.²⁴

Stereotypes of ill-health

The National Pensioner’s Convention Women’s Working Party stated that:

“There is a negative perception of older people in society, particularly older women who suffer from greater ill-health as part of the ageing process, which needs to be challenged. The majority of older people aren’t frail, dependant or vulnerable but damaging stereotypes are promoted by the media and politicians alike.”²⁵

Has the COVID-19 pandemic affected older women differently than older men and how?

Impact on social care sector

The Covid 19 pandemic had a particularly severe impact on residents of care homes during the first wave in spring 2020. . Until mid-April 2020, it was government policy to discharge from hospital to care homes without the requirement for a negative Covid test, despite it being well-known that elderly care home residents were particularly vulnerable to the virus. By mid-April 2020, 25,000 people had been discharged into care homes and by mid-May, 38% (5,900) of care homes in England had reported an outbreak.

This error was compounded by the use of agency workers who were working across multiple settings, as well as the issue of confusing and constantly changing guidelines and the early insistence that it was not necessary to provide staff with sufficient PPE and testing, in contrast to health workers in hospitals. These factors contributed to the spread of the virus within care homes as well as to workers and their families.²⁶ There were 2,769 deaths involving Covid-19 in care homes in the UK compared with 938 in hospital during last week of April 2020, when the number of deaths peaked.²⁷

²¹ <https://wbg.org.uk/wp-content/uploads/2020/11/FINAL-social-care.pdf>

²² <https://www.ageuk.org.uk/latest-press/articles/2019/november/the-number-of-older-people-with-some-unmet-need-for-care-now-stands-at-1.5-million/>

²³ <https://wbg.org.uk/analysis/uk-policy-briefings/spring-budget-2021-social-care-gender-and-covid-19/>

²⁴ ADASS (2020) ADASS Budget Survey 2020 (<https://bit.ly/3pLlosP>).

²⁵ National Pensioners Convention, 2021.

²⁶ BBC News (2020) Coronavirus: What guidance did care homes get from the government? (<https://bbc.in/3IPLXMg>)

²⁷ ONS (2020) Deaths involving COVID-19 in the UK, March to April 2020. This is much lower than William, L. and Buisson. (2020) 34,000 older care home residents in England will have died from Covid-19 and collateral damage by the end of June, it is projected. Care markets.

There is now reliable evidence that disabled, older and people with serious health conditions or learning disabilities may have been denied treatment for Covid-19,²⁸ even where their conditions would not have reduced their chance of benefiting from such treatment. Research for the Queens Institute of Nursing²⁹ found one in ten care homes surveyed were told by NHS managers to change Do Not Resuscitate (DNR) plans without discussion with residents, their families, or the nursing staff at the height of the first wave. This was happening in homes for those with disabilities, autism or learning difficulties as well as in homes for the elderly. Excess death rates in homes for adults with learning difficulties or autism have remained over 30% higher than the average of the previous five years throughout the pandemic so far.³⁰ The Care Quality Commission (CQC) has now ruled that the use of 'blanket' DNRs relating to more than one resident, and those without consultation and consent, were unlawful.³¹

This has had a disproportionate impact on older women who are more likely to be resident in care homes.

Government policies exacerbating inequalities

One member of the National Pensioners Convention Women's Working Party said that:

"In light of the UN report on How Covid-19 impacts Women and Girls and the report from the MPs on the parliamentary Women and Equalities committee on how government policies repeatedly skew towards men, further exacerbating the inequalities faced by women. The UN report shows that women's hard fought gains for human rights are under threat and that because of this pandemic, women and girls face disproportionate impacts with far ranging consequences so the impact on older women will be serious. A very hard time ahead."³²

Women make up the majority of workers in the education sector (70% of all teaching and educational professionals).³³ Whilst most schools closed as part of national lockdowns, children of essential workers and vulnerable groups were/are still in attendance. According to Back to 60, "Government advice excluding those aged 60-70 from vulnerable groups may result in many older women required to continue teaching despite their increased risk of exposure to the virus through students. Women above 60 are more likely to teach children at early education and primary school levels than 60+ men".³⁴

Job losses and financial pressures

Back to 60 provided research evidencing that older women are particularly vulnerable to COVID-19 related job losses, with those forced into employment (predominantly low-paid and precarious work) in order to mitigate the loss of their state pension income now facing

²⁸ In breach of the UN Convention on the Rights of Persons with Disabilities; EHRC (2020) UN Convention on the Rights of Persons with Disabilities (CRPD) (<https://bit.ly/2IU7ipA>)

²⁹ The Daily Telegraph (2020) NHS told care homes not to resuscitate all residents (<https://bit.ly/33a5fok>)

³⁰ Care Quality Commission (2020) CQC publishes data on deaths of people with a learning disability (<https://bit.ly/3fqtoy8>)

³¹ Care Quality Commission (2021) Review of Do Not Attempt Cardiopulmonary Resuscitation decisions during the COVID-19 pandemic (<https://bit.ly/3uq3JKK>)

³² National Pensioners Convention, 2021.

³³ <https://www.ons.gov.uk/file?uri=%2femploymentandlabourmarket%2fpeopleinwork%2femploymentandemployeetypes%2fdatasets%2femploymentbyoccupationemp04%2fapriltojune2018/emp04sep2018.xls>

³⁴ https://stats.oecd.org/Index.aspx?DataSetCode=EAG_PERS_SHARE_AGE

increased financial pressures as well as additional challenges in regaining employment due to age and gender related employment and recruitment discrimination.³⁵

Exposure to, and treatment for, COVID-19

Despite constituting a vulnerable group by the World Health Organization, evidence shows that older women have been disproportionately impacted by the COVID-19 pandemic. For example, 1950s born women are more likely to work in health and social care, education, and supermarket shop floors, exposing them to COVID-19 and often without access to adequate PPE.³⁶ Yet, reports suggest that the simultaneous deprioritization of 60-70 year olds from both protection against exposure and treatment for patients (a majority of those at risk of exposure and a majority of COVID-19 cases being women) puts these women extremely at risk, and this is largely due to their age and gender and the Government's response to the outbreak.³⁷

A key area of concern which has been reported is the increased demand and reduced capacities of health and social care providers affects 1950s born women as both recipients and providers of care (over-represented in both groups), with increased risk of exposure for unpaid carers and falling standards and access to care as a result of COVID-19 pressures and Government measures.³⁸

According to statistics and recent research, both paid and unpaid carers, are also more at risk of exposure due to increased pressures on the adult care sector and a lack of PPE for these workers. Women are more likely to provide informal care than men for every age group up to 75-84, with women aged 55-64 most likely to provide informal care than any other age group.³⁹ Female sandwich carers aged 55-64 also provided the longest hours of care at an average of 20 hours per week.⁴⁰

Impact of state pensions, financial hardship, and COVID-19 on older women

The State Pension Age (SPA) increase from 60 to 65 has led to ongoing financial hardship and lowered health and wellbeing, which has been exacerbated by the economic and employment pressures, insufficient protection from and disproportionate exposure to the COVID-19 virus.⁴¹ This, together with the deprioritisation of financial and health wellbeing by measures which ignore the impact on women and exclude 60-70 year olds as in need of higher levels of protection and support, has had a negative impact on older women.⁴²

Back to 60 have called for urgent measures to address the financial and health burdens on 1950s born women caused by the SPA increase and COVID-19 measures, as well as the investigation and consideration of information and data (including the release of the Coronavirus Bill Equality Impact Assessment) addressing the exclusion of women and 60-70

³⁵ https://committees.parliament.uk/writtenevidence/3028/html/#_edn72

³⁶ https://committees.parliament.uk/writtenevidence/3028/html/#_edn72

³⁷ https://committees.parliament.uk/writtenevidence/3028/html/#_edn72

³⁸ <https://committees.parliament.uk/writtenevidence/3028/html/>

³⁹ https://committees.parliament.uk/writtenevidence/3028/html/#_edn72;

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/600465/family-resources-survey-2015-16.pdf

⁴⁰ https://www.ageuk.org.uk/our-impact/campaigning/care-in-crisis/breaking-point-report/?_t_id=MR8KJjW8ArYJeTLJ07znSQ%3d%3d&_t_uid=8_10_XJURZWPTC3KCvLGoA&_t_q=women&_t_tags=language:en%2csiteid:c4f4b17c-5d8d-455f-9d6a-a18c1121c646%2candquerymatch&_t_hit.id=AgeUK_Web_Models_Pages_ContentPageWithSideNav/_34b4a0fa-9980-4c85-b506-83e9111239fa_en-GB&_t_hit.pos=5

⁴¹ https://committees.parliament.uk/writtenevidence/3028/html/#_edn72

⁴² https://committees.parliament.uk/writtenevidence/3028/html/#_edn72

year olds, are essential in order to mitigate the disproportionate and cumulative impact on 1950s born women during and following the COVID-19 pandemic.⁴³

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Further information: Just Fair; Charity number: 1141484; Company number: 07394478 c/o Doughty Street Chambers, 54 Doughty Street, Holborn, London, WC1N 2LS

Contact information: info@justfair.org.uk

⁴³ <https://committees.parliament.uk/writtenevidence/3028/html/>