

Towards Equitable Justice: Overcoming Structural Barriers Faced by Older Women in Accessing Inclusive Legal Systems

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Introduction

Access to justice is both a fundamental human right and a cornerstone of the rule of law. It extends beyond formal legal remedies to encompass the substantive capacity of individuals to obtain equitable and impartial justice outcomes through judicial, administrative, alternative dispute resolution processes, or community-based mechanisms.¹ Equal access to justice operates both as a right in itself and as a means for the realisation of other human rights.² Additionally, it can function as a critical enabler of gender equality across the life course and as a driver of sustainable development. This is reflected in Sustainable Development Goal 16, which commits States to promoting peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels, as well as in the implementation of the Beijing Declaration and Platform for Action in support of the equal rights of all women and girls.³

Older women's access to justice warrants particular attention within the scope of developing and accessing equitable legal justice systems. In many low- and middle-income countries, older women continue to constitute some of the poorest and most marginalised segments of society, often lacking the resources, agency, and institutional support necessary to assert their rights effectively.⁴

This paper examines the barriers older women face in accessing justice and realising their rights, including legal, economic, social and cultural challenges. It highlights systemic inequities that limit older women's ability to exercise their rights fully and offers recommendations for inclusive, age- and gender-sensitive reforms. The analysis underscores the need for equitable justice systems that promote older women's inclusion, dignity, and empowerment as essential to just and sustainable societies.

Access to justice in human rights law

International human rights law provides the normative framework for the right of access to justice. The *Universal Declaration of Human Rights* (UDHR) guarantees equality before the law without discrimination, equal protection of the law, the right to an effective remedy, the right to a fair and public hearing by an independent tribunal, and the presumption of innocence (Articles 7, 8, 10, 11).⁵ The *International Covenant on Civil and Political Rights* (ICCPR) reinforces these guarantees in Articles 2(1), 2(3), 14, and 26, and the Human Rights Committee, ICCPR's monitoring body, has clarified that State parties must ensure accessible and effective remedies, appropriately adapted to the needs of different populations.⁶ Similarly, the *Convention on the Rights of Persons with Disabilities* (CRPD) also affirms the right of persons with disabilities to effective access to justice on an equal basis with others (Article 13).⁷

Treaty bodies on women's rights have elaborated on these provisions. For instance, the Committee on the Elimination of Discrimination against Women (CEDAW) adopted its *General Recommendation No. 27 (2010)*⁸ on the human rights of older women, and has

¹ United Nations Development Programme (UNDP), *Access to Justice Practice Note* (2004)

² Office of the High Commissioner for Human Rights (OHCHR), *Access to Justice: Human Rights Handbook*, (2013)

³ United Nations, *Beijing Declaration and Platform for Action: Fourth World Conference on Women, Beijing, 4–15 September 1995* (New York: United Nations, 1995)

⁴ Age International, *Older women: the hidden workforce*, 2021

⁵ United Nations General Assembly, *Universal Declaration of Human Rights*, GA Res 217 A (III), UN Doc A/810 (1948), arts 7, 8, 10–11

⁶ International Covenant on Civil and Political Rights (ICCPR), arts 2, 14, 26; Human Rights Committee, *General Comment No. 32: Right to Equality before Courts and Tribunals and to a Fair Trial*, CCPR/C/GC/32 (2007)

⁷ United Nations, *Convention on the Rights of Persons with Disabilities* (CRPD), art 13, (2006)

⁸ Committee on the Elimination of Discrimination against Women (CEDAW), *General Recommendation No. 27: Older women and the protection of their human rights*, adopted 16 December 2010, UN Doc. CEDAW/C/GC/27

also addressed the situation of older women in some of its later general recommendations. In its *General Recommendation No. 33 (2015) on women's access to justice*⁹, it underscored that effective access includes justiciability, availability, accessibility, quality, the provision of remedies, and accountability of justice systems.¹⁰ It also adopted a *General Recommendation No. 29 (2013)*¹¹ on the economic consequences of marriage, which has particular impacts on many older women. However, in some cases, older women are mentioned only in broad terms, without specific focus, or simply as one item in a long list of potential forms of intersectional discrimination.¹²

While these international standards apply equally to everyone, none of the international human rights instruments articulate how these rights apply in older age, and treaty bodies do not *systematically* address how to overcome the specific barriers older persons, particularly older women, encounter in accessing and securing justice. In recent years, specific regional frameworks, such as 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)*¹³, have explicitly affirmed older persons right to access justice. However, it remains unclear how these frameworks are being implemented to ensure that older women, in particular, are effectively supported in exercising this right.

Demographic shifts

By 2030, the number of people aged 60 and older worldwide is projected to reach 1.4 billion (16.5 per cent of the global population), rising to 2.1 billion (21.6 per cent) by 2050.¹⁴ This trend is particularly evident and rapid in developing regions with 80 per cent of older people expected to be living in low- and middle-income countries.¹⁵

Ageing is also profoundly gendered: women live longer than men and comprise the majority of older populations, accounting for 54 per cent of those aged 60 and above globally and 62 per cent of those aged 80 and above. Currently, 27 per cent of women worldwide are over 50, a proportion expected to rise to 35 per cent by 2050, with 17.8 per cent aged over 65.¹⁶ However, increased longevity does not necessarily translate into greater security or equitable rights for women, particularly in later life. Older women frequently face the accumulated effects of lifelong gender-based discrimination, economic disadvantage, and the disproportionate domestic burdens, including unpaid care work.¹⁷ These structural inequalities leave many economically insecure, socially marginalised, and at higher risk of exclusion from justice systems.

Older women also encounter a complex range of rights challenges, including disputes over land, housing, and inheritance, as well as workplace discrimination, denial of essential services such as healthcare, and multiple forms of violence and abuse.¹⁸ HelpAge

⁹ Committee on the Elimination of Discrimination against Women (CEDAW), *General Recommendation No. 33 on Women's Access to Justice*, CEDAW/C/GC/33 (2015)

¹⁰ Ibid

¹¹ Committee on the Elimination of Discrimination against Women (CEDAW), *General Recommendation No. 29 on the economic consequences of marriage, family relations and their dissolution*, CEDAW/C/GC/29 (2013)

¹² Normative standards and obligations under international law in relation to the promotion and protection of the human rights of older persons, Report of the United Nations High Commissioner for Human Rights, 2022, UN Doc. A/HRC/49/70

¹³ *Inter-American Convention on Protecting the Human Rights of Older Persons*, 2015; *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa*, 2016.

¹⁴ World Health Organization, *Ageing and Health*, Fact sheet, 1 October 2022. Available at: <https://www.who.int/news-room/fact-sheets/detail/ageing-and-health> (Accessed: 20 August 2025)

¹⁵ Ibid

¹⁶ United Nations, Department of Economic and Social Affairs, Population Division, *World Population Prospects 2024, Data Sources*, UN DESA/POP/2024/DC/NO. 11 (August 2024). Available at:

https://population.un.org/wpp/assets/Files/WPP2024_Data_Sources.pdf (Accessed: 20 August 2025)

¹⁷ HelpAge International, *Investing in Equality – Addressing the funding gap for older women*, 2024

¹⁸ A. Gutterman, *Older Persons' Access to Justice* (Oakland CA: Older Persons' Rights Project, 2022)

International's research across 24 countries supports findings that older people experience justice problems in a wide range of areas. 71 per cent of older people interviewed reported being involved in disputes over land and property, difficulties accessing public services, financial and debt issues, family disputes, crime, and workplace discrimination. The findings showed that older women were more likely than older men to face justice issues related to violence, crime, and family disputes. In addition, from the older women who had experienced a justice issue, 57 per cent reported that they had not found a solution to their issue, compared to 50 per cent of older men.¹⁹

The rights challenges experienced by older women are interconnected, arising from overlapping identities such as gender, age, disability, race, sexual orientation and socioeconomic status, and are compounded by multiple barriers to accessing justice. Their ability to access justice is shaped by structural barriers, including discriminatory laws, institutional biases, economic constraints, and social stigma which intersect to restrict their rights and limit their pathways to redress. For example, an older woman in a rural community with a disability, may simultaneously face geographic isolation, unaffordable transport, entrenched gendered norms discouraging disclosure of abuse or crime, and limited knowledge of available legal remedies.

While rights challenges and access to justice have been recognised as of particular importance for women by the United Nations General Assembly,²⁰ there does not appear to be any comprehensive analysis by Member States or multilateral agencies addressing the experiences of older women regarding their rights or access to justice with data disaggregated by sex and age.

Ageism as a systemic barrier to justice

The United Nations Independent Expert on the enjoyment of all human rights by older persons affirmed that ageism remains a major concern for older persons in their daily lives.²¹ Older women frequently report experiencing gendered ageism²² across various aspects of their lives and in multiple settings ranging from relationships with family members to interactions within their communities, including when accessing shared services such as water points or public transport.²³ According to a survey by Agewell Research and Advocacy Centre in India, 82 per cent of older respondents reported that gender discrimination within families during old age is common, while 90 per cent stated that gender discrimination against older women is widespread in society.²⁴

Ageism and age discrimination also acts as a systemic barrier to justice as it can diminish older women's legal autonomy, undermine the credibility of their claims from their own perspective (self-directed ageism) and by others, as well as hinder fair treatment within judicial and administrative systems. Stereotypes portraying older women as frail, cognitively impaired, or socially irrelevant, coupled with gendered assumptions questioning their authority and autonomy, often leads to people infantilising them,²⁵ and results in the dismissal of complaints, particularly in cases of violence and abuse, and

¹⁹ HelpAge International, *Keeping our dignity*, 2019

²⁰ OECD Riga Statement "Investing in Access to Justice for all!" High-Level Panel, OECD Roundtable on Equal Access to Justice Riga, Latvia, July 2018, paragraph 4 (2018)

²¹ United Nations Human Rights Council, *Report of the Independent Expert on the enjoyment of all human rights by older persons*. A/HRC/33/44 (2016)

²² Gendered ageism is the intersectionality of age and gender bias and discrimination. A recurring definition describes it as a double jeopardy, where two interacting power systems lead to an increased vulnerability (Clary Krekula, Pirjo Nikander, and Monika Wilińska, Multiple marginalisations based on age: gendered ageism and beyond, in Liat Ayalon and Clemens Tesch-Römer, *Contemporary perspectives on ageism*, 2018)

²³ HelpAge International, *Older women's lived experiences of gendered ageism*, 2023

²⁴ Agewell Foundation, *Gender discrimination among older women in India*, 2015

²⁵ Dias, A., Santos, A., and Smith, R. "Older people are weak": perceptions and meanings of ageing and ageism among older adults', *International Journal of Ageing and Later Life*, 19(1), pp. 45-70m, 2024

neglect. Such prejudices not only deny older women effective remedies but also discourage them from initiating legal proceedings, perpetuating their invisibility in the legal system.

In research conducted by HelpAge International with older women in Kenya, Rwanda and Uganda, gendered ageism was apparent in older women's experiences in seeking justice within their communities.²⁶ Older women reported being ignored by village chiefs and police when attempting to report rights violations. A 70 year old woman from Kenya reported she was dismissed when attempting to report an abuse: *"I was abused and no one bothered. When you go to the police or chief, the chief would support the younger person and the older person will be told. 'Why don't you go home, why are bringing problems to the younger people?'"*²⁷

Structural gendered ageism not only excludes older women from decision-making, failing to accommodate age- and gender- specific vulnerabilities, it can also restrict safeguards within legal institutions. Consequently, older women face systemic obstacles that prevent the recognition, enforcement, and protection of their rights. These ageist and gendered assumptions normalise violence, dispossession, and neglect, discouraging older women from seeking justice and influencing how institutions respond to them.

Legal and policy barriers

Older women frequently face systemic discrimination embedded in legal and institutional frameworks, which constrains their access to justice and protection. One of the most significant areas of inequality lies within inheritance and property ownership. According to the OECD's *Social Institutions and Gender Index (2022)*, over 40 per cent of countries worldwide restrict or undermine women's inheritance rights through customary or religious practices.²⁸ For example, in many parts of the world, widows face land and property issues despite statutory protections due to customary law practices, reflecting the persistence of discriminatory social norms and weak enforcement mechanisms. Such practices severely limit both older women's agency, economic security and ability to claim their rights. A 62 year old woman from Nepal reported: *"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"*.²⁹

Beyond inheritance, legal discrimination often extends to areas such as employment protections and access to social protection and healthcare benefits, where laws often lack specific provisions and understanding for the intersection of age and gender. Research from the United States demonstrates how gaps in legislation also leave older women vulnerable to compounded discrimination. Current legal frameworks such as the Age Discrimination in Employment Act (ADEA) and Title VII of the Civil Rights Act fail to recognise combined age-plus-gender claims. As a result, older women cannot adequately challenge intersectional discrimination in employment contexts, underscoring how legal systems across different settings frequently marginalise them.³⁰

In the Philippines, whilst the Anti-Age Discrimination in Employment Law does not expressly prohibit multiple or intersectional discrimination, the State has adopted specific legislation on the rights of women, which provides protection for older women exposed to intersectional discrimination. Under Section 4(b) of the Magna Carta of Women, discrimination against women is defined to include "discrimination compounded by or intersecting with other grounds, status, or condition, such as ethnicity, age, poverty, or

²⁶ HelpAge International, *Older women's lived experiences of gender ageism*, 2023

²⁷ Ibid

²⁸ OECD (2023) *SIGI 2023 Global Report: Gender Equality in Times of Crisis*. Available at: https://www.oecd.org/en/publications/sigi-2023-global-report_4607b7c7-en.html (Accessed: 18 August 2025)

²⁹ HelpAge International, *Entitled to the same rights*, 2017

³⁰ McLaughlin, J.S., *Limited Legal Recourse for Older Women's Intersectional Discrimination Under the Age Discrimination in Employment Act*, *The Elder Law Journal*, 26(2), pp. 287–321, 2019

religion". The law also contains a specific provision, which sets out the responsibility of the State to protect older women from forms of gender discrimination.³¹ Legislation that addresses the intersection of age and gender can not only promote an intersectional approach but also explicitly support older women's rights to access justice and protection against discrimination.

Institutional barriers

Barriers within legal systems and processes significantly impede older women's effective access to justice. One pressing challenge is the lack of knowledge and sensitivity among legal practitioners (lawyers, judges, police, and legal aid services) on age and gender related issues and the unique needs and difficulties faced by older persons, particularly older women.³² Many legal professionals are not familiar with the ways in which age and gender intersect to create compounded disadvantages for older women navigating justice systems and the issues that face them. As a result, older women may not receive appropriate guidance or representation, and their credibility or testimony can be undervalued due to ageist assumptions, and procedural misunderstandings, including a lack of sensitivity of health conditions and understanding in processing of claims.

Institutional barriers to justice for older women operate across all levels of dispute resolution, from local community authorities to formal legal settings. At the community level, older women often encounter dismissive attitudes and procedural obstacles that undermine their agency. An older woman from Kenya recounted being repeatedly told to bring a male relative to present her case, despite not having a son: "*Even the chiefs, they say 'Mama, what have you come for? Before you even tell him what you want, [he says], 'go and tell your son to come and see me'. You tell him you don't have a son. He tells you, 'Sit there' and you will sit in that office the whole afternoon*".³³

Such responses reflect entrenched gendered assumptions that discount older women's agency and authority, and reinforce their marginalisation within informal justice mechanisms.

At the formal legal level, barriers persist in the form of intimidation, limited legal literacy, and power imbalances between older women and officials. A 62-year-old woman in Cambodia described her struggle reporting her son to the police: "*It was very hard for me entering a court and telling the police what my son had done, as I'm not literate. I felt uncomfortable meeting with the police and senior officials when I didn't know anything or what to do with my son.*"³⁴

Together, these experiences demonstrate that institutional barriers are not only about formal legal rules, but also about deeply embedded attitudes and procedural practices that impede older women's ability to seek and obtain justice effectively.

International frameworks, including **CEDAW General Recommendation No. 27 (2010)**³⁵ on older women and protection of their human rights, call on States to eliminate age- and gender-based discrimination, emphasising the need for gender- and age-sensitive legislation, secure property rights, affordable legal remedies, and training for justice personnel. Nonetheless, gaps persist in application, leaving many older women without meaningful access to justice.

³¹ HelpAge International, *Advancing equality for older people*, 2022

³² A. Gutterman, *Older Persons' Access to Justice* (Oakland CA: Older Persons' Rights Project), 2022

³³ HelpAge International, *Keeping our dignity*, 2021

³⁴ Ibid

³⁵ Committee on the Elimination of Discrimination against Women (CEDAW), *General Recommendation No. 27: Older women and the protection of their human rights*, adopted 16 December 2010, UN Doc. CEDAW/C/GC/27

Environmental barriers

Physical and geographic barriers significantly limit access to justice for older people, especially older women. According to the World Health Organization (WHO), 46 per cent of those aged 60 and over have disabilities, with over 250 million experiencing moderate to severe disability.³⁶ In addition, 80 per cent of all of those of all ages with a disability live in low- and middle-income countries.³⁷

Older women frequently encounter substantial environmental and geographic obstacles that impede their access to justice. Court buildings often lack essential facilities such as ramps, elevators, and accessible seating, making physical access challenging for those with mobility limitations. In its 2021 submission to the UN's Open-ended Working Group on Ageing relating to "access to justice", the Office of the UN High Commissioner for Human Rights (OHCHR) noted that "*physical barriers impact the ability to access courts due to lack of accessible buildings, transportation, waiting/seating areas and information*" and that "*access is particularly problematic for people living in remote or rural areas as most*".³⁸ As part of the submission it was noted that in France, over 1,770 courthouses and police stations remain inaccessible to individuals with disabilities, a situation that disproportionately affects older women.³⁹ In Argentina, the same submission noted older women living in rural or indigenous communities face geographic barriers when judicial jurisdictions are located far from their homes,⁴⁰ limiting their ability to access courts and pursue legal remedies.

These challenges are amplified in many low- and middle-income countries, where many older people often live far from urban centres.⁴¹ Older women often face limited transportation options and a scarcity of legal professionals in rural areas further compound these barriers, creating an environment in which older women struggle to assert their rights or access support. The intersection of age, gender, and disability intensifies these challenges, leaving many older women particularly vulnerable, unable to assert their rights and excluded in their pursuit of justice.

Economic barriers

Poverty is a particular risk for older people, both men and women. On average, people aged 65 years or over more often live in relatively poor households than those aged 25–64 years. **In low- and middle-income countries, whilst women suffer higher levels of poverty than men at all ages, the gender gap is largest in old age.**⁴² HelpAge's work has also shown impact of poverty and inequality on older women, limiting their ability to afford essentials like food, healthcare, and housing.⁴³

These structural inequities intersect with the high costs of legal action, including fees for representation, filing, and associated expenses, which are often expensive for older

³⁶ United Nations Department of Economic and Social Affairs (UNDESA), *Ageing and disability*. Available at: [Ageing and disability | Division for Inclusive Social Development \(DISD\)](#), (Accessed: 18 August 2025)

³⁷ Social Development Direct, *Inclusive Futures template*, Social Development Direct, London, 2022

³⁸ United Nations, *Substantive inputs on the focus area "Access to justice"*, Working document submitted by the Office of the High Commissioner for Human Rights, Open-ended Working Group on Ageing, Eleventh session, New York, 29 March–1 April 2021, A/AC.278/2021/CRP.4, 8 March, (2021) . Available at: https://social.desa.un.org/sites/default/files/owega/documents/eleventh/A_AC.278_2021_CRP.4.pdf (Accessed: 18 August 2025)

³⁹ Ibid

⁴⁰ Ibid

⁴¹ A. Gutterman, *Older Persons' Access to Justice* (Oakland CA: Older Persons' Rights Project (2022)

⁴² United Nations Department of Economic and Social Affairs, *Old-age poverty has a woman's face. UN DESA Policy Brief No. 142*, 2022

⁴³ HelpAge International, *Things have just gotten worse: The impact of the global food, fuel and finance crisis on older people*, 2023

women.^{44, 45} Financial constraints directly impact older women's choices focusing on meeting immediate needs and reduce their ability to engage with legal systems. From HelpAge's research on access to justice, costs were noted as a significant barrier for older women. A 56-year-old woman in the Russian Federation reported "*Because of my low personal income as a pensioner there was no opportunity to hire a lawyer. I had to defend myself in court.*" Whilst a 60-year-old woman in Moldova described costs equivalent to seven months of her pension: "*The difficulties I encountered were bureaucratic and financial. A lot of documents and certificates were issued and the costs were around 7,000 lei [393US\$]. This amount is my pension for seven months*".⁴⁶

In addition, due to costs older women believe access to lawyers is not possible: A 75-year-old woman in Kyrgyzstan noted: "*Access to a lawyer is limited and it's impossible to stand up for yourself*".⁴⁷

Information barriers

Access to information represents a critical dimension of justice that is often overlooked in discussions about older women. Limited access to relevant legal information, such as knowledge of rights, procedures, available remedies, and legal aid services can effectively exclude older women from participating in justice processes. **Factors such as lower levels of literacy, a lack of digital literacy skills, language barriers, poverty or lower income levels, combine with lack of age and gender sensitive outreach to engage older women by governments.** In low- and middle- income countries, nearly twice the proportion of women aged 65+ are illiterate compared with men of the same age group (58 per cent compared to 34 per cent).⁴⁸

HelpAge's *Entitled to same rights*⁴⁹ research highlights that many older women are unaware of the legal protections available to them. In Serbia, an older woman reported that she was unaware of legal procedures to support report an incident: "*I need to know what the procedures are*", and an 82 year old woman for Kyrgyzstan said that older women in her community need more information about how to get support in cases of violence: "*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*".⁵⁰

The increasing digitalisation of legal services, while offering potential efficiencies and support with physical barriers, often exacerbates information barriers for older women. Older women may lack access to smartphones, computers, or reliable internet, or may be unfamiliar with online forms, portals, and official websites due to lower levels of digital literacy. As a result, digitisation can inadvertently reinforce inequalities rather than expand access, particularly in low- and middle-income countries. Language and cultural barriers also play a significant role.

⁴⁴ United Nations, *Substantive inputs on the focus area "Access to justice"*, Working document submitted by the Office of the High Commissioner for Human Rights, Open-ended Working Group on Ageing, Eleventh session, New York, 29 March–1 April 2021, A/AC.278/2021/CRP.4, 8 March (2021). Available at: https://social.desa.un.org/sites/default/files/owega/documents/eleventh/A_AC.278_2021_CRP.4.pdf (Accessed: 18 August 2025)

⁴⁵ Carmona, M. S. and Donald, K. *Access to justice for persons living in poverty: a human rights approach*, 2014

⁴⁶ HelpAge International, *Keeping our dignity*, 2019

⁴⁷ Ibid

⁴⁸ World Bank, Global Women's Institute, Inter-American Development Bank & International Center for Research on Women, *Violence Against Women and Girls Resource Guide : Brief on Violence Against Older Women*, World Bank, 2016

⁴⁹ HelpAge International, *Entitled to the same rights*, 2017

⁵⁰ Ibid

Legal information is frequently communicated in official or dominant languages, which may be inaccessible to older women from minority or indigenous communities.⁵¹ These gaps reflect systemic disregard for older women's right to information, rooted in ageist neglect and understanding of their needs. Without timely and accessible information, older women cannot effectively navigate legal processes, access remedies, or advocate for themselves. Addressing information barriers requires multi-modal outreach strategies, including materials in accessible formats, community-based legal education, and in-person or telephone support services tailored to older women's needs.

Furthermore, inadequate legal literacy combined with limited availability of affordable legal aid, and traditional power dynamics frequently obstruct older women's ability to navigate justice systems effectively.

Social and cultural barriers

Social norms further exacerbate these challenges by pressuring older women, especially those who are widowed, with a disability or cognitively impaired to remain passive or reliant on others, especially male relatives, to discuss legal issues, thereby limiting access to legal protection. They can also often be invisible to authorities and community members, which affects their ability to exercise their rights. An older woman from Serbia explained that: *"Older women from marginalised groups are generally socially invisible – to other women too – and have a very hard time exercising their rights"*.⁵²

In many countries, ageism intersects with patriarchal social and cultural norms to reinforce exclusion. Customary and community practices frequently override statutory rights, leaving widows and unmarried women particularly vulnerable to violence, abuse, and dispossession in relation to land and property. These practices are rooted in ageist assumptions that strip older women of authority and rights, rendering them invisible. In some cases, accusations of witchcraft⁵³ often tied to inheritance or property disputes are used to justify dispossession and even violence.

An 85 year old women from Kenya said that *"...the older women have no voice in my community... When my husband died, he left me with a big shamba [farm]... they say, 'this woman cannot have this.' I am already old, I don't have a child... they are taking the shamba by force"*.⁵⁴ In Uganda, an 83 year old woman reported: *"The men and children beat their older women and the children also steal our property... I have seen... my own daughter stealing my land and selling it without my permission"*.⁵⁵

Older women reported being devalued within their families and communities, often seen as useless unless they contributed financially, and they did not feel like that had a voice in matters affecting them.⁵⁶ In addition, norms often discourage older women from seeking information on their own. As a result, they remain dependent on others, may not be fully aware of their rights, and sometimes stay silent out of fear of retaliation or a wish to protect their family members.⁵⁷ A 70-year-old woman in Jordan said she has refrained

⁵¹ United Nations, *Substantive inputs on the focus area "Access to justice"*, Working document submitted by the Office of the High Commissioner for Human Rights, Open-ended Working Group on Ageing, Eleventh session, New York, 29 March–1 April 2021, A/AC.278/2021/CRP.4, (2021)

⁵² HelpAge International, *Entitled to the same rights*, 2017

⁵³ Office of the High Commissioner for Human Rights (OHCHR), *Normative standards in international human rights law in relation to older persons: Analytical Outcome Paper* (2012). Available at:

<https://social.un.org/ageing-working-group/documents/OHCHRAAnalyticalOutcomePaperonOldePersonsAugust2012.doc> (Accessed on 22 August 2025)

⁵⁴ HelpAge International, *Keeping our dignity*, 2021

⁵⁵ Ibid

⁵⁶ Ibid

⁵⁷ Alberta Civil Liberties Research Centre, *Access to Justice and Canadian Elders*, citing J.E. Korbin et al., 'Abused Elders Who Seek Legal Recourse Against Their Adult Offspring,' *Journal of Elder Abuse and Neglect*, vol. 3, no. 4, 1991, pp. 1, 11–12

from filing a complaint against her son due to societal disapproval: "I don't want to file a complaint against my son because customs and traditions do not accept a mother doing such a thing".⁵⁸

Barriers to access to justice in cases of violence and abuse of older women

According to the WHO, almost one in six people aged 60 years and older have experienced some form of abuse.⁵⁹ Yet, they also estimate that only one in 24 cases of elder abuse are reported.⁶⁰ Globally, 24 per cent of women aged 50–59 and 23 per cent of women aged 60 and older report experiencing intimate partner violence in their lifetime. Among women over 60, physical and sexual violence by intimate partners remains the most prevalent form of abuse.⁶¹ These figures, however, reflect only part of the picture, as significant data gaps remain due to information on violence against older women.

Older women face significant barriers to accessing justice in cases of violence, abuse, and neglect, barriers that are compounded by entrenched social norms, widespread ageism, and under-resourced support systems. **The Independent Expert on the rights of older persons 2023 report to the UN Human Rights Council underscores that while physical, psychological, sexual, and financial abuse, as well as neglect, are pervasive globally, these crimes often go underreported due to shame, stigma, social expectations, and fear of reprisals.**⁶² As noted, many older women internalise beliefs that discourage reporting, seeing violence as "normal" or feeling obliged to endure mistreatment for the sake of family harmony or from a sense of self-sacrifice. These perceptions were confirmed in research conducted by HelpAge International in Moldova, Malawi, and Pakistan, where women described not reporting violence due to shame, low confidence in receiving help, or the view that their suffering was "deserved".⁶³ In addition, older women with disabilities who are survivors of sexual violence face particular barriers to disclosure and access to justice, resulting in their experiences remaining hidden.⁶⁴

The report also noted that service providers and the legal system often failed to recognise that **older women could be subject to different forms of violence and abuse, including recognising financial exploitation or psychological abuse as abuse**, or that older women could be affected by intimate partner violence.⁶⁵ This lack of recognition and understanding further impedes their access to justice.

Many national policies often fail to recognise age as a root cause of violence and abuse, and older women tend to be excluded from the scope of domestic violence laws and support services due to age biases and focuses on reproductive years. Access to justice is further undermined by the other structural barriers discussed in this paper; lack of awareness, insufficient training among justice and health professionals, inadequate funding of services, and challenges such as digital and geographic isolation, especially pronounced during crises like the COVID-19 pandemic. Significant gaps remain in collecting disaggregated data by age, gender, and disability, which the Independent Expert on the enjoyment of all human rights by older persons warns directly undermines prevention and response efforts.⁶⁶

⁵⁸ HelpAge International, *Keeping our dignity*, 2021

⁵⁹ World Health Organization, *Global Report on Ageism*, 2021

⁶⁰ World Health Organization, *Elder Abuse Factsheet*, 2017

⁶¹ World Health Organization, *Violence against women 60 years and older: Data availability, methodological issues and recommendations for good practice*. Policy brief, 2024

⁶² United Nations Human Rights Council, "Report of the Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler" (A/HRC/54/26), 2023

⁶³ HelpAge International, "Confronting the shadow pandemic: COVID-19 and violence, abuse and neglect of older people," 2021

⁶⁴ United Nations, *Report on the situation of older persons with disabilities* (A/74/186). UN General Assembly, Special Rapporteur on the rights of persons with disabilities, 2019

⁶⁵ Ibid

⁶⁶ United Nations Human Rights Council, Report of the Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler (A/HRC/54/26), 2023

The lack of data on violence against older women⁶⁷ directly undermines their access to justice. When abuse in later life is not recognised as a systemic issue, laws, policies, and programs tend to focus on younger women, leaving older survivors with few tailored protections or support services. Limited funding for legal aid, shelters, psychosocial care, and awareness campaigns further restricts their ability to seek help. At the same time, police and courts often lack training to identify abuse of older women as a crime, particularly intimate partner or family violence in later life reinforcing stereotypes that older women are not at risk of sexual or physical abuse. As a result, complaints may be dismissed, perpetrators face inadequate consequences, and older women remain excluded from meaningful protection and redress.

Conclusions

Older women face multiple and overlapping barriers that limit their access to justice. These include physical barriers, economic challenges, complex legal procedures and systems, social and cultural norms, and widespread gendered ageism. At every level (individual, community, and institutional), norms and gendered ageism weaken older women's rights and hinder their ability to act on their own behalf, and interact with how others respond and treat them. At the personal level, exclusion from legal remedies leaves older women dispossessed of property, cut off from essential services, and vulnerable to violence and neglect. Economic insecurity is intensified when women lose access to inheritance or land, often their only asset or source of livelihood in later life. The absence of accessible justice mechanisms also silences older women, reinforcing ageist stereotypes that they are passive, dependent, or incapable of asserting their rights.

At the systemic level, lack of understanding of older women's experiences and gendered ageism embedded in law and institutions erodes trust in justice systems. When older women are dismissed, ignored in policymaking, or excluded from remedies, justice systems reveal themselves to be biased and exclusionary. The lack of age- and gender-disaggregated data further perpetuates invisibility, ensuring that older women's experiences remain absent from reforms and development agendas.

These intersecting and cumulative barriers highlight the insufficiency of piecemeal interventions and underscore the need for comprehensive, multidimensional reforms. Addressing these challenges requires integrated strategies to tackle ageism, including supporting to empower older women to protect and uphold their rights, legislative reform, institutional capacity-building, and community-level engagement, to develop justice systems that are genuinely inclusive, equitable, and responsive to the specific needs and rights of older women.

Recommendations

Grounded in human rights law, these recommendations draw on the lived experiences of older women to address the barriers they face in accessing justice

1. Member States must respect, protect and fulfil the rights of older women in accessing justice.

Member States must ensure that older women enjoy equal access to justice, and work with multilateral agencies and civil society to strengthen their agency and collective capacity, by:

- Recognition of older women's legal agency and standing, without limitation due to age, gender, or marital status.

⁶⁷ United Nations Statistics Division, *Improving the visibility of older persons in global statistics*, 2024

- Guaranteed access to legal aid and paralegal assistance for older women, which is not restricted on the basis of their income or family situation.
- Support the expansion of community-based initiatives that promote legal rights awareness, digital literacy, and social inclusion of older women, with outreach to rural and marginalised communities.
- Support civil society organisations working with older women through adequate funding, technical capacity, and partnerships, particularly with regards to rights and support in cases of gender-based violence, family disputes, inheritance, and property rights.
- Strengthen the role of older women and women's rights organisations to effectively engage in policy formulation and implementation processes for access to justice. Ensure that older women are meaningfully included in accountability mechanisms to monitor and guarantee the quality, relevance, and impact of programmes.
- Provide training and peer-accompaniment schemes to help older women understand and uphold their rights, navigate legal proceedings, overcome barriers of illiteracy and support with digital literacy skills where required.
- Develop intergenerational campaigns to challenge ageism and harmful gender norms, reinforcing solidarity across generations.

2. Member States must guarantee the availability and accessibility of justice for older women

To promote equal access to justice, the following concrete measure should be adopted:

- Ensure justice entities and related emergency and support services, such as legal aid, shelters, hotlines and counselling, are maintained, funded, affordable and available to older women in all settings.
- Guarantee courtrooms, legal tribunals, and related facilities are physically accessible to older women, including those living with disabilities or mobility impairments.
- Provide older women with increased access to alternative, non-judicial pathways, including one-stop justice centres, mediators, paralegal networks, ombuds procedures, complaints bodies, restorative justice schemes, and commissioners for older persons.
- Offer reasonable accommodation to enable older women's full participation in justice proceedings (e.g. adapted language, accessible documentation, flexible schedules, remote participation).
- Conduct public legal and community based education campaigns in accessible and culturally appropriate formats to raise awareness among older women about their rights and available services.
- Guarantee all older women access to necessary legal and identity documentation to claim entitlements, lodge claims, and seek remedies without discrimination.
- Deliver and implement training for those working in the justice sector including judges, lawyers, prosecutors, police, and prison staff on ageing, older people's rights, and gender-based discrimination.

3. Member States must establish and implement legal and policy processes that integrate disaggregated data collection, monitoring, and accountability mechanisms

Member States supported by multilateral agencies should establish robust, disaggregated data systems that capture the realities of older women's in accessing justice across different domains and areas of their life.

- Collect, analyse and use age- and gender-disaggregated data to identify patterns of exclusion faced by older women, and document and strengthen areas of good practice that promote their access to justice.
- Strengthen national statistical offices with resources, tools and technical support from agencies including UN Women and OHCHR, ensuring international comparability and best practice.
- Develop monitoring frameworks on justice that include indicators of accessibility, affordability, and effectiveness for older women, combined with accountability systems that ensure compliance.

4. Adopt a UN Convention on the Rights of Older Persons

Member States and multilateral agencies must support the adoption of a new United Nations Convention on the Rights of Older Persons. A Convention is necessary to ensure that older persons in general, particularly older women have the right to access to justice without discrimination and on an equal basis with others. It would:

- Clarify how the right applies in older age, such as older persons' right to accommodations in all proceedings, and their right to hearing with due guarantees and within a reasonable time and due processes.
- Establish States' obligations to provide older persons with legal aid and support services, as well as accessible information and access to non-judicial pathways to justice for older persons.

5. Support the full integration of older women in the implementation of CEDAW

Member States must ensure the implementation of CEDAW fully addresses the rights of older women by:

- Ensure that national laws and policies explicitly prohibit discrimination against older women, while addressing key issues such as inheritance, property rights, identity documentation, abuse of older women, and gender-based violence, and establish legal processes that guarantee their access to justice.
- Support mechanisms which collect, analyse and use sex and age disaggregated data to inform actions to combat discrimination, especially violence and abuse against women of all ages.
- Include regular reporting on women and girls of all ages and their access to justice as part of their obligations under CEDAW, with specific indicators and data disaggregated by age and sex.
- Provide training and guidance to judges, prosecutors, law enforcement, and justice institutions to recognise and address intersecting forms of discrimination faced by older women.
- Strengthen international cooperation and technical assistance to harmonise national policies with CEDAW, exchange good practices, and build accountability systems that safeguard older women's rights to justice.