



**Submission to the UN Open-ended Working Group on Ageing for the purpose of strengthening the protection of the human rights of older persons
February 15, 2022**

Older people's economic security

Guiding Question 3: What are challenges faced by older persons living in poverty, including the impact of intersectional discrimination and inequality based on age, gender and other grounds?

Introduction

This submission draws on Human Rights Watch's research in Russia,¹ the United States,² and Canada.³ Inadequate income in older age, including from pensions, can limit older people's enjoyment of their rights to an adequate standard of living, life, and health, and the rights of older people with disabilities to live independently and be included in the community, and to protection and safety in emergencies.

1. Rights to an adequate standard of living and to live independently and be included in the community

1.1 In Russia, older people with disabilities living on their pensions may not always be able to afford support services to enable them to live at home in their community. In some cases, this can compel people to enter residential institutions.⁴

Under Russian federal law, the government must cover the costs of services for older people with disabilities who fall below a certain income threshold, which differs among regions. People with incomes above that threshold must partially or fully pay for services.⁵

¹ "Russia: Insufficient Home Services for Older People," Human Rights Watch news release, August 24, 2021, <https://www.hrw.org/news/2021/08/24/russia-insufficient-home-services-older-people>.

² "US: Prioritize Home, Community-Based Services for Older People," Human Rights Watch news release, June 30, 2021, <https://www.hrw.org/news/2021/06/30/us-prioritize-home-community-based-services-older-people>.

³ "Canada: Disastrous Impact of Extreme Heat," Human Rights Watch news release, October 5, 2021, <https://www.hrw.org/news/2021/10/05/canada-disastrous-impact-extreme-heat>.

⁴ "Russia: Insufficient Home Services for Older People," Human Rights Watch news release, August 24, 2021, <https://www.hrw.org/news/2021/08/24/russia-insufficient-home-services-older-people>.

⁵ Russia Federal Law 442 "On the Foundations of Social Services for Citizens of the Russian Federation," which entered into force in 2015, calls for home and institutional service providers to create an "individualized program" to support the needs of older people and people with disabilities.

However, the current eligibility criteria are inadequate, as older people with disabilities above the threshold may not always be able to afford the services or paying for the services affects their ability to maintain an adequate standard of living. For example, one older man whom Human Rights Watch interviewed lives alone in an apartment in Pskov region and had his first stroke in the late 1990s. He has limited use of his legs and one arm. A social worker visits him briefly three times per week to deliver groceries and firewood. But since he is over the regional income threshold, he has to partially pay for services. He said he was unable to afford some services that he needs, such as preparing meals.

“I almost never [eat a cooked meal],” he said. “Sometimes I boil some pelmeni [dumplings], but it’s difficult to stand. I need more services.” But if he paid more out of his monthly pension, he said, he would have difficulty buying medicine.⁶

Social workers told Human Rights Watch that if an older person required a higher level of support and they could not afford to pay, they were often forced to go to a nursing home. A social worker in Pskov region described one client who had had a stroke:

She lived in a free-standing house and would have had to be visited every day so they could heat the stove, bring firewood, and bring water. She couldn’t even walk.... If a person is bedridden, there is no other option [than a nursing home].... They don’t want to go [to a nursing home] but need forces them to.⁷

1.2 In the United States, Medicaid, the primary public health insurance program, which is jointly administered by the federal government and individual states, pays for the bulk of long-term support and services for older people on low incomes. However, while state governments are required to cover nursing home costs through Medicaid, they are not required to cover the full range of home-based services.⁸

This is at odds with what the vast majority of older people in the United States want: a survey found that three-quarters say they prefer to live in their current home or community as they age, rather than in a nursing home.⁹ As of June 2021, 188,000 people over 65 in the US were on waiting lists for home-based services.¹⁰

⁶ “Russia: Insufficient Home Services for Older People. Gaps in Services Create Risks for Institutionalization, Violate Rights,” Human Rights Watch news release.

⁷ Ibid.

⁸ “Medicaid Home and Community-Based Services Enrollment and Spending,” Medicaid, February 4, 2020, <https://www.kff.org/report-section/medicaid-home-and-community-based-services-enrollment-and-spending-issue-brief/>, (accessed January 21, 2022).

⁹ AARP, “Home and Community Preferences: A National Survey of Adults Ages 18-Plus,” August 2018, Revised July 2019, <https://www.aarp.org/research/topics/community/info-2018/2018-home-community-preference.html>, (accessed January 12, 2022).

¹⁰ “US: Prioritize Home, Community-Based Services for Older People, Unique Opportunity for Congress to Help People Continue to Live at Home,” Human Rights Watch news release, June 30, 2021,

Additionally, experts on US ageing policies note that waiting lists may not capture the full scope of unmet needs. Many older people do not make it onto the lists because they or their relatives struggle to navigate the application process. Inability to access home-based services in a timely manner may compel some older people or people with disabilities to move into institutionalized care.¹¹

2. Rights to life, health and protection and safety in emergencies

In June 2021, the United Nations Office of the High Commissioner for Human Rights issued a report warning that older people are at increased risk of adverse climate impacts.¹² Older people are among those most at risk of heat-related deaths and illnesses.¹³ Existing research also indicates that social isolation is associated with higher heat risks, especially for older people.¹⁴

Human Rights Watch research found that low incomes and inadequate government support compounded risks for older people during the extreme heatwave that killed hundreds of people in the Canadian province of British Columbia in June and July 2021.¹⁵ Of those who died, 91 percent were 60 years of age or older.¹⁶

According to 2018 data, older people in British Columbia are 45 percent more likely to live in poverty compared to older people in the rest of the country, and single older people in British Columbia experience even higher rates of poverty than older people in general.¹⁷

Older people interviewed by Human Rights Watch about the 2021 extreme heat said they experienced symptoms of heat exhaustion and heat-related illnesses, including fever, headache, dizziness, loss of consciousness, nausea, confusion, swollen legs, breathing difficulties, and weakness. They said that their economic situation exacerbated these impacts, with many living in subsidized housing or low-income areas in small units with bad airflow and ventilation,

<https://www.hrw.org/news/2021/06/30/us-prioritize-home-community-based-services-older-people>.

¹¹ Ibid.

¹² Office of the United Nations High Commissioner for Human Rights, Analytical study on the promotion and protection of the rights of older persons in the context of climate change, A/HRC/47/46, April 30, 2021.

¹³ Nick Watts, "The 2020 report of the Lancet Countdown on health and climate change: responding to converging crises," *The Lancet*, vol. 397 (2021), p.134.

¹⁴ Yoon-ook Kim, "Social isolation and vulnerability to heatwave-related mortality in the urban elderly population: A time-series multi-community study in Korea," *Environment International*, vol. 142 (2020), <https://doi.org/10.1016/j.envint.2020.105868>.

¹⁵ "Canada: Disastrous Impact of Extreme Heat," Human Rights Watch news release, October 5, 2021, <https://www.hrw.org/news/2021/10/05/canada-disastrous-impact-extreme-heat>.

¹⁶ BC Coroners Service, "Heat-Related Deaths – Knowledge Update," November 1, 2021, https://www2.gov.bc.ca/assets/gov/birth-adoption-death-marriage-and-divorce/deaths/coroners-service/statistical/heat_related_deaths_in_bc_knowledge_update.pdf, (accessed January 31, 2022).

¹⁷ Gillian Petit and Lindsay M. Tedds, "Poverty in British Columbia: Income Thresholds, Trends, Rates, and Depths of Poverty," December 2020, https://mpr.ub.uni-muenchen.de/104002/1/MPRA_paper_104002.pdf, (accessed January 12, 2022).

inadequate insulation, and no natural shade. Most interviewed said they could not afford to buy cooling devices, much less the cost of running them.¹⁸

A 69-year-old woman with a physical disability who lives in a subsidized housing unit, told Human Rights Watch that the temperature in her apartment reached 39°C in June 2021, and that she developed a cough and a persistent fever, and eventually sought medical aid when her condition worsened. “Money is scarce for anything so luxurious as a proper fan or heaven forbid, an air conditioner,” she said. Another woman, 74, said: “It is stressful whenever I have to spend money being on a tight, small pension.”¹⁹

3. Recommendations

3.1 International human rights law protects the rights of older people to an adequate standard of living.²⁰ For those who need them, access to support services are necessary for an adequate standard of living.

- Governments should ensure access to support services to older people, including those on low incomes.

3.2 International human rights law protects the rights of older people with disabilities to live independently and be included in the community.²¹

- Governments should ensure access to home and community-based support services to older people with disabilities, including those on low incomes.

3.3 International human rights law protects the rights of older people to life and health, and the rights of older people with disabilities to protection and safety in emergencies.²²

- Governments should ensure access to timely and appropriate health care for older people, including those on low incomes and those with disabilities, and protect them from reasonably foreseeable threats to life, including from climate change by reducing emissions and helping them adapt to current and projected impacts.
- Older people, particularly those with lived experience of dealing with natural disasters and climate impacts, should be included in climate change adaption and heat action planning.

¹⁸ “Canada: Disastrous Impact of Extreme Heat,” Human Rights Watch news release.

¹⁹ Ibid.

²⁰ International Covenant on Economic, Social and Cultural Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, article 11.

²¹ International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities (CRPD), G.A. Res. 61/106, Annex I, U.N. GAOR, 61st Sess., Supp. No. 49, at 65, U.N. Doc. A/61/49 (2006), entered into force May 3, 2008, article 19.

²² See, for example, CRPD, article 11.

- As part of mitigation strategies, governments should consider installing efficient heating and cooling systems or take other measures that would significantly reduce energy costs in all subsidized buildings and low-income apartments.