



# General Assembly

Distr.: General  
19 July 2022

Original: English

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## Seventy-seventh session

Item 69 (b) of the provisional agenda\*

**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

## Older persons and the right to adequate housing

### Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler, in accordance with Human Rights Council resolution [42/12](#).

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\* [A/77/150](#).



## **Report of the Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler**

### *Summary*

In the present report, the Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler, examines the right of older persons to adequate housing and sets out recommendations to States and other stakeholders to ensure the realization of that right for all older persons.

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## I. Introduction

1. The present report is the third report submitted to the General Assembly by the current Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler. Since her previous report to the General Assembly (A/76/157), the Independent Expert issued a statement to mark the International Day of Older Persons,<sup>1</sup> in which she called for urgent action against ageism and age discrimination. On the same occasion, she joined a virtual panel discussion on the Sustainable Development Goals and digital technologies.

2. On 15 March 2022, during the sixty-sixth session of the Commission on the Status of Women, the Independent Expert co-organized a side event entitled “Shameful contrast: inequality at the intersection of age and gender”, at which she stressed the importance of taking ageing into consideration in policy decisions about women.

3. In line with her mandate, the Independent Expert participated in the twelfth session of the Open-ended Working Group on Ageing in April 2022, during which she contributed to the panel discussion on normative inputs for the focus areas of the eleventh working session and the substantive session on the contribution of older persons to sustainable development.

4. On 16 June, at the Economic Commission for Europe Ministerial Conference on Ageing, the Independent Expert joined the expert panel on ensuring access to long-term care and support for carers and families, during which she called for a human rights approach for older persons in long-term care and stressed the importance of preventing older persons from becoming dependent on long-term care. On 29 June, she delivered opening remarks at the Asia-Pacific Intergovernmental Meeting on the Fourth Review and Appraisal of the Madrid International Plan of Action on Ageing, organized by the Economic and Social Commission for Asia and the Pacific. On 14 July, she participated in an interactive panel at the inter-agency side event entitled “Older women in crisis: invisible among the most vulnerable”, held in the context of the high-level political forum on sustainable development.

5. An overview of the activities undertaken over the past year can be found in the forthcoming report of the Independent Expert to the Human Rights Council, focused on older persons deprived of liberty (A/HRC/51/27).

6. The present report relies on previous work, extensive desk research and 53 submissions received from States, national human rights institutions, civil society organizations, academics and other stakeholders in response to the call for contributions issued in January 2022.<sup>2</sup> The Independent Expert is grateful to all those who contributed to the preparation of her thematic report.

## II. Legal and policy framework on the right of older persons to adequate housing

7. The right to adequate housing is part of the right to an adequate standard of living, as stated in article 25 of the Universal Declaration of Human Rights and article 11 of the International Covenant on Economic, Social and Cultural Rights.

<sup>1</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), “Pandemic exposes ageism and age discrimination in society, says UN expert”, 1 October 2020.

<sup>2</sup> Submissions can be consulted at [www.ohchr.org/en/calls-for-input/2022/call-inputs-report-older-persons-and-right-adequate-housing](http://www.ohchr.org/en/calls-for-input/2022/call-inputs-report-older-persons-and-right-adequate-housing).

Accordingly, every person has the right to an adequate standard of living, including housing. States have the responsibility to guarantee this right without discrimination.

8. Further references to the right to adequate housing can be found in article 5 (e) (iii) of the International Convention on the Elimination of All Forms of Racial Discrimination, article 17 of the International Covenant on Civil and Political Rights, article 14 (2) (h) of the Convention on the Elimination of All Forms of Discrimination against Women, articles 16 and 27 (3) of the Convention on the Rights of the Child, article 43 (1) (d) and (3) of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and articles 9, 19 and 28 of the Convention on the Rights of Persons with Disabilities.

9. Although the above-mentioned articles do not contain explicit references to older persons, the human rights to an adequate standard of living and to adequate housing apply regardless of age, gender, disability or other grounds.<sup>3</sup> The right to adequate housing must be guaranteed without discrimination.<sup>4</sup> Principle 1 of the United Nations Principles for Older Persons provides that older persons “should have access to adequate food, water, shelter, clothing and health care through the provision of income, family and community support and self-help”.<sup>5</sup>

10. At the regional level, the Inter-American Convention on Protecting the Human Rights of Older Persons is the only legal instrument containing a specific guarantee, in its article 24, of the right of older persons to decent and adequate housing and to live in safe, healthy and accessible environments, adapted to their needs and preferences. In the Revised European Social Charter of 1996, the right to housing is also consecrated for all persons (part I, para. 31), although the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Older Persons in Africa does not contain any mention of their right to adequate housing.

11. While ageing should not always be associated with disability, the Committee on the Rights of Persons with Disabilities also provides an interesting legal framework to protect the right to an adequate standard of living, including adequate housing, for older persons with disabilities, in particular in its general comment No. 5 (2017) on living independently and being included in the community. In its general comment, the Committee states that independent living means that individuals with disabilities are provided with all necessary means to enable them to exercise choice and control over their lives and make all decisions for themselves (para. 16 (a)). This also includes the right for older persons with disabilities to decide where to live and to have access to all services they would need, which are component of their right to adequate housing (para. 24).

12. In its general comment No. 4 (1991) on the right to adequate housing, the Committee on Economic, Social and Cultural Rights argued that the right to adequate housing is seen not merely as “having a roof over one’s head”, but as “the right to live somewhere in security, peace and dignity” (para. 7). In the same comment, the Committee elaborated on seven criteria that must be fulfilled for the right to adequate housing, namely, legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy (para. 8).<sup>6</sup>

<sup>3</sup> Committee on Economic, Social and Cultural Rights, general comment No. 4 (1991) on the right to adequate housing, para. 6.

<sup>4</sup> Committee on Economic, Social and Cultural Rights, general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, para. 8.

<sup>5</sup> See [www.un.org/development/desa/ageing/resources/international-year-of-older-persons-1999/principles.html](http://www.un.org/development/desa/ageing/resources/international-year-of-older-persons-1999/principles.html).

<sup>6</sup> See also Stuart Wilson, “The right to adequate housing”, in *Research Handbook on Economic, Social and Cultural Rights as Human Rights*, Jackie Dugard and others, eds., Research Handbooks in Human Rights (Cheltenham, United Kingdom of Great Britain and Northern Ireland, Edward Elgar Publishing, 2020).

(a) **Legal security of tenure.** This aspect provides that everybody has a right to a degree of tenure security guaranteeing legal protection against forced eviction, harassment and other threats, regardless of the form of tenure (ownership, tenancy, residents of informal settlements, emergency housing, cooperative housing or lease);

(b) **Availability of services, materials, facilities and infrastructure.** This applies to facilities essential for health, security, comfort and nutrition and access to natural and common resources, drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, refuse disposal, drainage and emergency services;

(c) **Affordability.** Costs associated with housing should be at such a level that the attainment of other basic needs are not compromised, and tenants should be protected by appropriate means against unreasonable rent levels or rent increases;

(d) **Habitability.** Adequate housing must provide adequate space, protection from cold, damp, heat, rain, wind and other threats to health, structural hazards and disease vectors, and the physical safety of inhabitants should be guaranteed;

(e) **Accessibility.** Housing must be accessible, as should resources to improve the accessibility of housing for groups with special needs such as older persons or persons with disabilities, including psychosocial disabilities, and they should be ensured priority in obtaining accessible housing;

(f) **Location.** Adequate housing should be in a location allowing access to employment, health care services, transport and other social facilities and should not be built in polluted or disaster-prone areas;

(g) **Cultural adequacy.** Housing design and the use of materials should enable the expression of cultural identity and diversity of housing.

13. The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living advocates a broad interpretation of the right to adequate housing and adds the following additional elements to the right to adequate housing: freedom from dispossession; information, capacity and capacity-building; participation in decision-making; resettlement; a safe environment; physical security and privacy; freedom from violence; and access to remedies for any violations suffered.<sup>7</sup>

14. According to the United Nations Human Settlements Programme, the right to adequate housing also includes “the right to choose one’s residence, to determine where to live and to freedom of movement”, “equal and non-discriminatory access to adequate housing” and “participation in housing-related decision-making at the national and community levels”.<sup>8</sup>

15. Disadvantaged groups such as older persons must have access to adequate housing resources, and their needs must be taken into account in both housing law and policies. Measures taken by States must be “sufficient to realize the right” to adequate housing for every individual – therefore also for older persons – “in the shortest possible time in accordance with the maximum of available resources”.<sup>9</sup>

16. If the right to housing is violated, other human rights may also be compromised, for example, the rights to health, to independent living, to family life, to participate or to life.

<sup>7</sup> A/HRC/7/16, paras. 4–5; and A/HRC/4/18, para. 55.

<sup>8</sup> OHCHR and United Nations Human Settlements Programme (UN-Habitat), *The Right to Adequate Housing*, Fact Sheet No. 21/Rev.1 (2009).

<sup>9</sup> Committee on Economic, Social and Cultural Rights, general comment No. 4 (1991), paras. 8 (e) and 14.

17. In the Vienna International Plan of Action on Ageing, it is recognized that adequate housing is “necessary for the well-being of all people” and that “housing has a great influence on the quality of life of any group in any country”, but especially for older persons (para. 64). The Madrid International Plan of Action on Ageing contains the recommendation that older persons be provided “with an adequate choice of where they live” (para. 95).

18. The Sustainable Development Goals, intended to leave no one behind, support the development of inclusive policies, notably in relation to older persons. Goal 11 addresses the upgrading of slums and is aimed at improving housing, access to transport, outdoor spaces, civic participation and the prevention of and response to disasters. Older persons are specifically mentioned under targets 11.2, on transport, and 11.7, on public spaces. Goal 11 contains a call for inclusive urbanization to ensure that older persons participate in planning and decision making, enjoy improved air quality and have access to safe, affordable and accessible public transportation and to green and public spaces.<sup>10</sup> Target 11.1 is aimed at ensuring adequate housing for all persons, but does not contain a specific mention of older persons.

19. In his 2021 report entitled “Our Common Agenda” (A/75/982),<sup>11</sup> in which the Secretary-General presented his vision to the General Assembly, he stated that adequate housing must be reinforced to leave no one behind. Unfortunately, housing or other solutions for older persons are not given any specific focus in the report.

20. Research carried out with human rights experts in 39 countries revealed that, in at least 34 of those countries, older persons were at particular risk of violations of the right to housing. Following the study, the experts concluded that, worldwide, older persons were overrepresented among those whose right to adequate housing was violated.<sup>12</sup>

### **III. Barriers for older persons in exercising their right to adequate housing**

#### **A. Barriers in relation to the elements of adequate housing**

21. Older persons are the most heterogeneous of all age groups, and their needs and preferences must be taken into account. As they are the fastest growing age group worldwide, older persons’ demands for adequate housing must be a priority for Governments. Through an analysis from an older-age perspective of the seven criteria that must be fulfilled to ensure the right to adequate housing, the Independent Expert identifies several barriers to the realization of this right for older persons. For a type of shelter to be considered adequate housing for older persons, all seven criteria must be met.

##### **Legal security of tenure**

22. When retiring from paid work, older tenants may not be able to pay their rent if it is increased or their pension is not sufficient to cover the rent. They may be at risk of forced evictions. Older long-term tenants may be harassed by landowners or real

<sup>10</sup> HelpAge International, “The right to adequate housing in older age”, paper submitted for the Expert Group Meeting on affordable housing and social protection systems for all to address homelessness, held at UN-Habitat in Nairobi, from 22 to 24 May 2019.

<sup>11</sup> See also [www.un.org/en/un75/common-agenda](https://www.un.org/en/un75/common-agenda).

<sup>12</sup> Submission by Human Rights Measurement Initiative.

estate agents to force them to evacuate their housing so that it can be redeveloped or sold at a higher price.<sup>13</sup>

23. Older persons are among the groups more likely to be subject to forced evictions than others.<sup>14</sup> When such evictions result in homelessness, this may seriously affect their health and well-being, in addition to their right to adequate housing.

24. Homeless older persons who migrate within their country in search of livelihood opportunities often experience a sense of shame, which prevents them from returning home until they have succeeded in earning money. Many come from marginalized communities, are refugees or have become homeless after their relatives took control of their assets.<sup>15</sup>

25. Although new construction and housing renovations supporting better insulation save costs in terms of energy, efforts should be made to ensure that these measures do not result in higher rental costs. For instance, in the absence of air conditioning or adequate ventilation, heatwaves have deadly consequences on older persons, including in long-term care homes.<sup>16</sup> It has been reported that such improvements in individual housing have led to the owner increasing the rent of their tenants, which can have a negative impact on the economic and housing security of older tenants.<sup>17</sup>

26. The security of tenure of homeowners can be threatened when older persons face difficulties in repaying mortgages, in contracting a loan after a certain age or in securing adequate financing owing to legislation and/or ageism. Ownership does not protect older persons from suffering residential vulnerability if they lack sufficient resources to maintain their home in good condition or to adapt them to their needs.

27. Older persons may be dispossessed of their property by heirs following the death of a spouse, in particular when inheritance legislation, customary law or practices discriminate against women, if the legislation does not protect the right of the surviving spouse or if the couple did not take the steps necessary to protect such rights.<sup>18</sup>

28. In at least 43 countries, women and men do not have equal rights with regard to inheriting assets from their spouses,<sup>19</sup> which weakens the security of tenure of thousands of older women living under discriminatory marital property, divorce and inheritance regimes. Even when laws comply with international standards, discriminatory practices may lead to the denial of inheritance rights to women, exposing them to property grabbing and eviction and leaving them destitute or homeless.<sup>20</sup> Older women are often unaware of their rights, and legal remedies remain largely inaccessible to them.<sup>21</sup>

<sup>13</sup> E/2012/51 and E/2012/51/Corr.1, para. 45.

<sup>14</sup> Ibid.; and Committee on Economic, Social and Cultural Rights, general comment No. 7 (1997) on forced evictions, para. 10.

<sup>15</sup> HelpAge International, “The right to adequate housing in older age”.

<sup>16</sup> Submission by the Centre for Equality Rights in Accommodation (Canada); and Economic Commission for Europe (ECE), “Older Persons in Emergency Situations”, Policy Brief on Ageing, No. 25, November 2020.

<sup>17</sup> Submission by AGE Platform Europe.

<sup>18</sup> María Isolina Dabove, “Vivienda y derecho de la vejez: perspectiva jurídica trialista”, *Revista de la Facultad de Derecho*, vol. 10, No. 2, (2019).

<sup>19</sup> United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), *Shaping the Law for Women and Girls: Experiences and Lessons from UN-Women's Interventions, 2015–2020* (2022).

<sup>20</sup> A/76/157, paras. 32–33.

<sup>21</sup> World Bank, “Land and conflict: thematic guidance note 03 – protecting and strengthening the land tenure of vulnerable groups”, 2017.



29. Eviction and property grabbing can also occur following accusations of witchcraft lodged against older women, including older women with albinism or older widows. This has been reported in some countries in Africa, Asia and the Pacific. Such accusations can derive from unexplained dementia and the intent to seize these women's property and inheritance, as found during visits by the previous Independent Expert to Mozambique and Namibia.<sup>22</sup>

30. Older persons with disabilities, in particular those with an intellectual or psychosocial disability, may be exposed to insecure tenure if they have been denied legal capacity and if this has led to difficulties in entering formal housing contracts. In such cases, these individuals may have to resort to informal arrangements, which make them more vulnerable to forced evictions.<sup>23</sup>

### **Availability of services, materials, facilities and infrastructure**

31. In relation to the right to adequate housing, the freedom of older persons is linked to their autonomy and independence to choose where, with whom and how they want to live and what they want to do with their property. The main barriers to autonomy and independence in relation to housing are the lack of adapted and diversified housing options, the lack or limited availability of care, social and/or support services at home and in the community, and practices, policies and laws that deny legal capacity and are focused on substitute decision-making instead of supported decision-making.<sup>24</sup>

32. Some older persons need support to maintain their autonomy and independent living at home or in different settings. Support services refer to the provision of help or assistance to someone who requires it to carry out daily activities and participate in society.<sup>25</sup> Such services are often not available or not affordable for older persons, especially those with disabilities.<sup>26</sup>

33. Older persons, especially those with disabilities, are often denied the right to live independently and to be included in the community. They are often placed in long-term care facilities, including nursing homes and mental health institutions. Such institutional settings tend to drastically reduce the capacity of older persons to choose how to live their lives, as management and staff usually take forcible control over the older person's daily routine.<sup>27</sup> Another feature of institutions is the pre-defined setting they provide in terms of living arrangements and the limited capacity of residents to adapt those settings to their preferences. Forcibly placing older persons, especially those with disabilities and dementia, in institutions is a form of discrimination and a form of spatial segregation that results in human rights violations, including the right to adequate housing.<sup>28</sup>

34. There are indications that the prevalence of abuse and violence is higher in institutional settings, in particular against older women, who are overrepresented in such settings. Concerns have been raised about the overmedication of older residents, notably those with dementia, in order to manage them in care homes, which are

<sup>22</sup> [A/76/157](#), para. 57. See also [A/HRC/36/48/Add.2](#) and [A/HRC/42/43/Add.2](#).

<sup>23</sup> OHCHR and UN-Habitat, *The right to adequate housing*.

<sup>24</sup> For information on legal capacity and substitute versus supported decision-making, see Committee on the Rights of Persons with Disabilities, general comment No. 1 (2014) on equal recognition before the law.

<sup>25</sup> [A/HRC/34/58](#), para. 13; and Bridget Sleaf, *Freedom to Decide for Ourselves: What Older People Say about Their Rights to Autonomy and Independence, Long-term Care and Palliative Care* (London, HelpAge International, 2018).

<sup>26</sup> [A/74/186](#), para. 33.

<sup>27</sup> *Ibid.*, para. 32.

<sup>28</sup> See [A/HRC/49/48](#) (forthcoming); see also [A/HRC/51/27](#) (forthcoming).

understaffed and whose staff may not have received the level of training necessary to respond appropriately.<sup>29</sup>

35. Gaining access to other relevant elements pertaining to housing, such as drinking water, energy for cooking, heating and lighting, sanitation facilities, emergency services or Internet connectivity, may be particularly difficult for older persons who are homeless, residents of informal settlements or living in rural areas. Areas with better services are usually closer to urban centres and are therefore more expensive, which might not be affordable for older persons.<sup>30</sup>

### **Affordability**

36. Poverty is one of the main barriers to the right to adequate housing for some older persons.<sup>31</sup> It makes it difficult for several older persons to rent adequate housing, repay a bank loan or mortgage or adapt their housing to their evolving needs. Poverty may also force older persons to sacrifice housing conditions and move to precarious and unsanitary housing to satisfy other pressing needs, such as food and health care. This initiates a vicious circle leading to inadequate housing, poor health, limited mobility and social exclusion.

37. Poverty results from a lack of opportunities, intergenerational cycles, system inequalities and the lack of adequate legislation, policies and social protection put in place by authorities to guarantee adequate standards of living. Some legal systems, policies or programmes, even when they provide affordable social housing or loan programmes for low-income groups, including older persons, have age limits for eligibility. Low pensions, which can be below the national poverty line, and a lack of affordable health care and social services contribute to the economic insecurity of older persons and affect their capacity to live independently and to enjoy any real choice among suitable housing options.<sup>32</sup>

38. The decreasing resources and obstacles resulting from age discrimination in gaining access to additional income or financing options, such as bank loans, may render older persons' homes unaffordable because of increased rent, energy and maintenance costs. The lack of information and the financial incapacity to improve the insulation of their housing or use more efficient heating systems can keep older persons in a situation that exposes them to an increased risk of poverty owing to the costs of fuel, in particular if they live in rural areas.<sup>33</sup>

39. Processes such as urbanization, gentrification and tourism also contribute to increased housing costs for older persons. Coupled with insufficient affordable age-friendly housing options, such processes contribute to the poverty of older persons, which might push them to live in outskirt areas. That, in turn, may also lead to violence and abuse when relatives decide to rent out their older parents' valuable home to third parties and compel them to move to residential care homes or when older persons are pressured to leave their residences at the end of their rental contract.<sup>34</sup> The combination of diminishing resources and increased housing costs may lead older persons to move to less age-friendly environments.<sup>35</sup>

<sup>29</sup> A/76/157, paras. 39 and 55.

<sup>30</sup> Submission by Western Australia.

<sup>31</sup> Submissions by the Comisión de Derechos Humanos de la Ciudad de México, Mali and the Commission on Human Rights of the Philippines. See also A/HRC/40/61/Add.1, paras. 77–79.

<sup>32</sup> A/AC.278/2022/CRP.4, paras. 6–7; and submission by the Commission on Human Rights of the Philippines.

<sup>33</sup> Submission by AGE Platform Europe.

<sup>34</sup> Submission by the Associação de Aposentados, Pensionistas e Reformados (APRe!).

<sup>35</sup> Lawrence A. Frolik, "The special housing needs of older persons: an essay", *Stetson Law Review*, vol. 26, No. 2 (1996).

## Habitability

40. Older persons often face difficulties in carrying out necessary maintenance work or repairs to their housing in case of deterioration or damage due to external factors, or to fix poor insulation. Crisis situations such as conflict and disasters may seriously affect the habitability of housing and require extensive or complete reconstruction.

41. Older persons living in informal settlements are in situations of inadequate housing, owing to the poor conditions of habitability that characterize this type of habitat. Informal settlements do not adequately protect its inhabitants from the weather, including the cold or the heat. Older residents may be exposed to natural hazards because of the precarious physical structure of their housing, due to its location in a hazard-prone area. This type of housing is often overcrowded and inadequately connected to drinkable water, sewage systems or garbage collection, which facilitate the transmission of diseases.

42. Homelessness has a serious impact on the health of older persons, owing to harsh living conditions, limited access to drinkable water and hygiene and exposure to physical and sexual violence. While it is difficult to obtain data on homeless older persons, several submissions received contain references to their existence and reports that homelessness severely reduces their life expectancy.<sup>36</sup> The European Federation of National Organisations Working with the Homeless reported a 40 per cent increase in persons over 65 living in emergency shelters between 2016 and 2018 in one European country. The Federation also reported that persons experiencing homelessness aged faster than the rest of the population and that their average age of death was 47. In another study, it was found that the frailty scores of over half of the residents of a homeless person's shelter with an average of 56 were comparable to those of 89-year-olds in the general population.<sup>37</sup>

43. Older persons are disproportionately affected by emergency crises, which tend to exacerbate pre-existing vulnerabilities related to the habitability of housing. Of concern is the fact that, by 2050, 80 per cent of the world's older people are expected to be living in less developed regions and in countries affected by climate change or conflict, "where humanitarian crises are more likely to occur and where their effects are felt more severely".<sup>38</sup>

44. Emergencies emphasize the strong link between adequate housing and health. The financial or physical incapacity of older persons to fix damage to their homes or identify suitable alternative shelter exposes them to cold, damp, heat, limited access to drinkable water and overcrowding, all of which can have a negative impact on their health.<sup>39</sup> Livelihood opportunities near home may also be compromised by the emergency, by destruction or by population displacement. Moreover, the trauma of the emergency, the displacement or the separation from loved ones and caregivers can also create physical and psychological distress and expose older persons to abuse and neglect.<sup>40</sup>

45. Older persons are often left behind or opt to stay in their homes during emergencies, whether because of their limited mobility or the desire to remain near familiar surroundings or to protect their property and land. That often exacerbates their exposure to risk in case of recurrent attacks, a threat of imminent disaster or land

<sup>36</sup> See also HelpAge International, "The right to adequate housing in older age".

<sup>37</sup> Submission by AGE Platform Europe.

<sup>38</sup> Office of the United Nations High Commissioner for Refugees and HelpAge International, "Working with older persons in forced displacement", Need-to-Know Guidance Series, No. 5, 2021.

<sup>39</sup> A/HRC/47/46, paras. 21–22.

<sup>40</sup> ECE, "Older Persons in Emergency Situations".

mines limiting freedom of movement, or because of limited access to goods and services that are provided in safer zones.<sup>41</sup>

### Accessibility

46. Lack of accessibility hinders older persons from living independently and choosing where to live and reinforces the social exclusion and marginalization of older persons with disabilities or reduced mobility. The shortage of accessible housing options, the lack of financial support to carry out necessary adaptations and the difficulty for older persons to obtain access to personal care at home may lead them to leave their homes despite their preference to stay.<sup>42</sup> Architectural barriers may hinder older persons from leaving their apartments for long periods in buildings lacking functioning elevators.<sup>43</sup>

47. Improving the accessibility of housing can prove to be more difficult for older persons because of the obstacle of needing to finance necessary adaptations and support to enable them to remain at home in their older age and the lack of adequate State policies to fund such costs. Improved accessibility also applies to the housing environment, public buildings and transport.<sup>44</sup>

### Location

48. The physical environment near an older person's home may not provide sufficient and accessible services in terms of transport, health care, home- or community-based support service or access to livelihood opportunities. The reduced mobility of some older persons, along with the time and money spent in using public transportation, may create an obstacle for them.<sup>45</sup>

49. Spatial segregation can contribute to a feeling of insecurity, inadequate housing conditions and social exclusion. It represents a violation of the right to adequate housing, notably in relation to the aspect of location, owing to its physical and geographic character. Urban housing speculation, urban renewal projects and gentrification contribute to spatial segregation by forcing low-income populations, including older persons, to move to poor neighbourhoods or informal settlements, where housing costs are more affordable to them.<sup>46</sup> Older persons in situation of economic insecurity are especially exposed to the risk of segregation, whether they live at home or in long-term care facilities. Forcibly placing older persons in institutions may also involve some form of segregation based on age, and sometimes on disability, which violates the principles of equality and non-discrimination that are intrinsic to the right to adequate housing.

50. Although in developed countries, older persons are more likely to live in urban areas than rural areas, it is the opposite in developing countries.<sup>47</sup> Rural areas are characterized by less access to services, such as utilities, Internet access and transport and by fewer employment opportunities.<sup>48</sup> There is also a risk of isolation, as younger relatives and carers of older persons move to cities, or even outside the country, and older persons either do not want to join them or cannot afford the cost of urban housing.

<sup>41</sup> [A/HRC/42/43](#), paras. 31 and 49.

<sup>42</sup> Submission by AGE Platform Europe.

<sup>43</sup> [E/2012/51](#) and [E/2012/51/Corr.1](#), para. 47.

<sup>44</sup> Committee on the Rights of Persons with Disabilities, general comment No. 5 (2017) on living independently and being included in the community, para. 78.

<sup>45</sup> Committee on Economic, Social and Cultural Rights, general comment No. 4 (1991), para. 8 (f).

<sup>46</sup> See [A/HRC/49/48](#) (forthcoming).

<sup>47</sup> Madrid International Plan of Action on Ageing, para. 5.

<sup>48</sup> *Ibid.*, para. 29.

51. As the global urbanization trend continues, the populations of cities continue to grow, creating a strong demand for housing. That demand results in increased housing costs that threaten the affordability of urban housing, which has a considerable impact on older persons, as they are often part of the lowest income group. Urban growth also puts pressure on access to services and on the accessibility of the urban environment, as many cities face difficulties in coping with the speed of urban growth.

52. Older persons represent a significant proportion of persons living in informal settlements.<sup>49</sup> Affordable urban housing is often informal, and urban growth tends to happen in locations that are prone to earthquakes, droughts and floods, where the weak physical structures of housing present a high risk to their inhabitants. The lack of adequate policies responding to the needs of groups in vulnerable situations, including older persons, contribute to this type of spatial segregation.<sup>50</sup>

### Cultural adequacy

53. The cultural adequacy of their home contributes to the well-being of older persons. Housing is not adequate if it does not respect or allow for the expression of cultural identity.<sup>51</sup> The capacity of older persons to live in housing that reflects their culture, life and generation, including by furnishing and decorating their homes with objects, pictures or souvenirs that fulfil that purpose, is essential to build a familiar and reassuring environment that corresponds to their identity and values. This is especially important for older persons with dementia, whose disorientation and confusion can be reduced by living in a familiar and home-like environment.<sup>52</sup>

54. The possibility of communicating in a language that a person understands is also a component of cultural adequacy that should be considered in housing programmes designed for older persons, in particular in residential or long-term care settings. That can be the case for older persons who are migrants or refugees, or for indigenous people or members of ethnic minorities who do not have the dominant language of the region as their first language and who may develop conditions such as dementia, leading to the loss of a second language.<sup>53</sup> Older persons moving to long-term care centres that are not adapted to their specific background might experience cultural shock resulting in misdiagnosis, isolation due to language or discrimination issues, malnutrition or a general reduction in the quality of life.<sup>54</sup>

### Information

55. Several submissions contained reports of a lack of information and understanding about available housing options for older persons, and submitters required the facilitation of information and advice in this regard.<sup>55</sup>

56. The availability of information was an essential issue for older persons during the coronavirus disease (COVID-19) pandemic so that they could be informed about how to best protect themselves from contamination. While this was easy for older persons familiar with the use of information and communications technology,

<sup>49</sup> A/HRC/40/61/Add.1, para. 76.

<sup>50</sup> HelpAge International, “The right to adequate housing in older age”.

<sup>51</sup> OHCHR and UN-Habitat, *The right to adequate housing*.

<sup>52</sup> Submission by Dementia Alliance International.

<sup>53</sup> See A/HRC/51/27/Add.1 (forthcoming).

<sup>54</sup> Submissions by the Centre for Equality Rights in Accommodation and the Comisión de Derechos Humanos de la Ciudad de México.

<sup>55</sup> Submissions by HelpAge Spain, the Centro Internacional de Longevidad Brasil and Anchor. See also Anchor, “Fragmented UK: reconnecting people by creating communities where people love living in later life”, London, 2022.

computer illiteracy reinforced the isolation of older persons living at home and increased the risks to their mental health.<sup>56</sup>

## **B. Impact of the coronavirus disease (COVID-19) on the right of older persons to adequate housing<sup>57</sup>**

57. In the context of the COVID-19 pandemic, the components of the right to adequate housing related to the availability of services, habitability and location also featured a requirement that housing include facilities essential for health, safe drinking water, sanitation and washing, protection from the transmission of disease and access to health-care services.<sup>58</sup>

58. Measures taken to prevent the spread of COVID-19, such as stay-at-home orders, physical distancing and regular hand washing, are especially difficult to implement for older persons living in inadequate housing, whether in collective settings, such as long-term care institutions, or in crowded housing with limited access to water and sanitation, as in informal settlements or camps for refugees and internally displaced persons.<sup>59</sup>

59. The higher mortality rate among residents of long-term care homes is partly explained by the large number of people who have underlying conditions, but it also highlighted the failure of such homes to adequately protect their residents, whether because of inadequate infrastructure, collective rooms making it impossible to isolate or a lack of staff and protective equipment. In some institutions, the fact that staff members worked in several locations contributed to the spread of the pandemic among various institutions.<sup>60</sup>

## **C. Intersectional and multiple forms of discrimination**

60. The intersection of age and other types of discrimination is a compounding factor and barrier to the full enjoyment of the right to adequate housing of older persons.

### **Ageism and age discrimination**

61. Ageism is a significant barrier to the full enjoyment of human rights by older persons and one of the main reasons why older persons cannot fully exercise their right to housing. Ageism is defined as stereotypes, prejudice and/or discriminatory actions or practices against older persons that are based on their chronological age or on a perception that the person is “old”.<sup>61</sup> Housing policies supporting home ownership tend to be focused on young persons and families, owing to the assumption that older persons already own a home.<sup>62</sup> Age limits for obtaining bank loans represent a barrier to the capacity of older persons to maintain or adapt their homes, which affects their right to adequate housing.

<sup>56</sup> Submission by HelpAge Spain.

<sup>57</sup> For further information about COVID-19 and older persons, see [A/75/205](#), especially paras. 68, 78 and 86.

<sup>58</sup> Committee on Economic, Social and Cultural Rights, general comment No. 4 (1991); and [A/75/148](#), para. 44.

<sup>59</sup> [A/75/148](#), para. 9.

<sup>60</sup> Submission by the Centre for Equality Rights in Accommodation.

<sup>61</sup> [A/HRC/48/53](#), para. 21.

<sup>62</sup> Bridget Lewis, Kelly Purser and Kirsty Mackie, *The Human Rights of Older Persons: A Human Rights-Based Approach to Elder Law* (Singapore, Springer, 2020), pp. 124–125.

62. Ageism represents a major barrier to autonomy and independence. Older persons' right to decide for themselves and to have their decisions respected is undermined by stereotypes associating age with the loss of physical strength, combined with a lower social status and a lower value assigned to their opinions and decisions.<sup>63</sup>

63. Ageist assumptions about the housing needs of older persons lead to housing options that do not fit the actual needs of many older persons. The ageist image of older persons living in care settings contributes to the lack of consideration for older persons who wish to live in their own homes and stymies the development of solutions for independent living and community-based support. Some social housing programmes and private rentals are not suitable for some older persons because their special needs are not considered.<sup>64</sup>

64. Many of the health and housing difficulties faced by older persons who encounter intersecting forms of discrimination are the result of lifelong marginalization and exclusion. Those difficulties often affect their access to employment, their salary or remuneration levels, their capacity to acquire property, their housing and living conditions, the condition of their health and the level of their old-age pension. This demonstrates the importance of adopting a life-course approach in response to ageism.<sup>65</sup>

### **Older women**

65. Women tend to live longer than men and are more likely to live in poverty. Trends show that they usually live alone, with higher levels of disability, illness and care needs. They are therefore at higher risk of losing their homes, being institutionalized or becoming homeless, or living in inadequate housing or overcrowded dwellings. Older women are less able to obtain access to mortgage credit and lack resources to support their evolving housing needs. This makes them dependent upon others, limits their options for living where they wish and increases their exposure to violence and abuse.<sup>66</sup>

66. The Committee on Economic, Social and Cultural Rights addresses the need to ensure women freedom from domestic violence in the context of the right to adequate housing in several of its concluding observations.<sup>67</sup> It is therefore argued that “women who are battered within their own four walls are, by definition, inadequately housed”.<sup>68</sup> This is also the case for older women, as a high proportion of the reported domestic violence against older women is committed by their partners, adult children and other relatives.<sup>69</sup>

### **Disability**

67. The process of ageing includes an increased likelihood of disability, with older persons representing the majority of the overall population of persons with disabilities. The intersection between older age and disability results in aggravated

<sup>63</sup> See examples in Slep, *Freedom to Decide for Ourselves*.

<sup>64</sup> Lewis, Purser and Mackie, *The Human Rights of Older Persons*, pp. 123–124.

<sup>65</sup> [A/HRC/48/53](#), para. 80.

<sup>66</sup> [A/76/157](#), paras. 34–35, 44 and 81.

<sup>67</sup> See, for example, [E/C.12/CAN/CO/6](#), para. 33.

<sup>68</sup> Ingrid Westendorp, “The right to adequate housing of battered women: the added value of the Istanbul Convention?”, in: Johanna Niemi, Lourdes Peroni and Vladislava Stoyanova, eds., *International Law and Violence against Women: Europe and the Istanbul Convention* (London, Routledge, 2020).

<sup>69</sup> United Nations, Department of Economic and Social Affairs and others, “Older women: inequality at the intersection of age and gender”, advocacy brief, 2022; and [A/76/157](#), para. 54.



forms of discrimination and an increased risk of denial of autonomy and independence, being institutionalized, social isolation, exclusion, poverty and abuse.<sup>70</sup>

68. The Committee on the Rights of Persons with Disabilities defines an institution as any setting in which persons with disabilities cannot exercise their choice concerning living arrangements, and where persons with disabilities lack control and autonomy about their daily lives, irrespective of their size or the kind of service that are provided therein to the persons with a disability. Such a definition is also relevant for older persons with and without disabilities.

69. Older persons with disabilities face an increased risk of being placed in institutions and denied legal capacity. Persons with dementia are further perceived as possessing limited agency. As a result, they tend to be more exposed to “guardianship, institutionalization, home confinement and involuntary treatment than those without disabilities”.<sup>71</sup> Their daily living arrangements are usually controlled, and their preferences denied, violating their right to adequate housing.

70. Older persons with intellectual or psychosocial disabilities are at increased risk of being subject to substitute decision-making regimes and denial of legal capacity, which may, in some cases, lead to dispossession and insecure housing by preventing the persons concerned from buying or selling property without their consent. It also increases the risk of institutionalization in long-term facilities without the consent of older persons with disabilities.<sup>72</sup>

71. The denial of legal capacity on the basis of disability violates articles 12 and 19 of the Convention on the Rights of Persons with Disabilities, as it limits individuals’ capacity to control their choice of residence option, thereby limiting their right to independent living and inclusion within the community. Disability must never be grounds for denying legal capacity, and reduced legal capacity should not be invoked to deny or limit the right to independence and independent living in the community.<sup>73</sup>

72. The denial of legal capacity has even greater consequences on older women with disabilities in relation to their housing situation, as they may face difficulties with regard to inheriting and administering marital property upon the death of their spouse, or see their legal capacity “deferred by law or de facto to lawyers or family members without their consent”.<sup>74</sup> Considering the overrepresentation of women among older persons with dementia, gender-responsive action is currently overlooked and undervalued in policy development and plans addressing dementia in older age.<sup>75</sup> Older women with disabilities are therefore more likely to be institutionalized.<sup>76</sup>

### **Racial discrimination**

73. Older members of ethnic minorities or marginalized groups are more likely to live in poorer quality, unsafe and overcrowded accommodation, in areas severely deprived of access to facilities and services, thereby increasing health issues, loneliness and social exclusion.<sup>77</sup>

<sup>70</sup> [A/74/186](#), paras. 4 and 8.

<sup>71</sup> *Ibid.*, para. 29.

<sup>72</sup> Committee on the Rights of Persons with Disabilities, general comment No. 1 (2014), paras. 9, 14 and 46.

<sup>73</sup> Committee on the Rights of Persons with Disabilities, general comment No. 5 (2017), paras. 9, 20 and 80.

<sup>74</sup> [A/74/186](#), para. 30.

<sup>75</sup> Submission by Dementia Alliance International.

<sup>76</sup> [A/74/186](#), para. 9.

<sup>77</sup> [A/HRC/48/53](#), paras. 55–57.



74. Older Roma persons often live in deprived and segregated areas and in situation of poverty, as they are overrepresented in precarious low-paid and informal employment, which limits their access to pensions and their capacity to afford adequate housing. According to a 2016 report, 80 per cent of Roma people were at risk of poverty (compared with the European Union average of 17 per cent), 30 per cent of Roma lived in households with no tap water and nearly 50 per cent had no indoor toilet, shower or bathroom.<sup>78</sup>

75. Older indigenous people are often exposed to development projects, leading to forced evictions, conflict and displacement.<sup>79</sup> Any eviction or displacement from their land has strong consequences on indigenous people, who have a special relation to their land, and on older persons, who may experience more difficulties in finding new housing adapted to their needs and/or who may have been separated from their relatives or community providing care.

### **Older migrants, internally displaced persons and refugees**

76. Older persons who have migrated for work encounter difficulties in having their years of labour recognized in different countries, thereby affecting their housing conditions as they need to arbitrate between various essential needs. Indeed, the lack of recognition limits their possibility to recoup social security contributions post-retirement or to move pension rights with them if they choose to retire in their country of origin, exposing them to poverty.<sup>80</sup>

77. Older internally displaced persons and refugees are also often confronted with the situation of economic insecurity, inadequate housing, and/or discrimination.

### **Homophobia and transphobia**

78. Older lesbian, gay, bisexual, transgender and intersex persons are confronted with multiple types of discrimination that have an impact on their right to adequate housing.<sup>81</sup> They suffer from a double stigma linked both to age and to sexual orientation and/or gender identity. This makes them more vulnerable to social isolation, financial insecurity, homelessness and poor health outcomes.<sup>82</sup> Faced with such attitudes, some older lesbian, gay, bisexual, transgender and intersex persons have decided to keep their sexual orientation and/or gender identity private throughout their lives, in order to feel safer where they live.<sup>83</sup>

79. Administrative rules within care institutions may not recognize people's sexual orientation or gender identity and refuse to accommodate same-sex couples in the same room. Older lesbian, gay, bisexual, transgender and intersex persons living in care institutions may face discrimination from the staff and other residents who hold biases and stereotypes about them.<sup>84</sup> In such situations, some older persons may decide to live with relatives, who may not necessarily be more open to their sexual

<sup>78</sup> Submission by AGE Platform Europe, page 11; and European Union Agency for Fundamental Rights, "80% of Roma are at risk of poverty, new survey finds", press release, 29 November 2016.

<sup>79</sup> Submission by the Commission on Human Rights of the Philippines.

<sup>80</sup> European Union Agency for Fundamental Rights, *Shifting Perceptions: Towards a Rights-Based Approach to Ageing* (Luxembourg, Publications Office of the European Union, 2018).

<sup>81</sup> [A/74/181](#), paras. 46–48.

<sup>82</sup> [A/HRC/48/53](#), para. 58.

<sup>83</sup> Submissions by AGE Platform Europe and the Comisión de Derechos Humanos de la Ciudad de México.

<sup>84</sup> Submission by AGE Platform Europe.

orientation and gender identity.<sup>85</sup> In some cases, they might be forced to leave their own homes following threats from their relatives or neighbours.<sup>86</sup>

## IV. Realizing the right to adequate housing for older persons

80. With the aim of ensuring the realization of the right to adequate housing of older persons and finding new age-friendly and inclusive housing solutions, the Independent Expert would like to highlight some examples of housing options that were brought to her attention, through both research and the submissions received.

### A. Living at home and in the community

81. Most existing housing is unsuitable to the needs of older persons, especially those with reduced mobilities or disabilities, and new housing construction represents only a small proportion of the available stock.<sup>87</sup> Many countries have put in place programmes to financially support the adaptation of housing to improve older persons' capacity to remain autonomous and independent in their homes and to promote healthy and active ageing.<sup>88</sup>

82. While most older persons would prefer to age in their own homes, one of the conditions to their being able to do so is to have access to a range of services to support them in their daily activities, such as care, support, food delivery, hygiene, house-cleaning, shopping, minor repairs and medical care.

83. Furthermore, this may require adaptations to make the house safe and facilitate the mobility of older persons, including through the use of assistive devices. Housing for older persons should not be considered as just a dwelling, but as a hub with centralized delivery of health care and social services.<sup>89</sup>

84. Some older persons are interested in other forms of housing that are conducive to increased social interactions, while preserving their autonomy and independence and facilitating access to required services.<sup>90</sup> That might take the form of shared housing that combines independent living units and common spaces with formal support provided by authorities or informal support provided by neighbours and the community. Such housing has the advantage of fostering social relations and reducing loneliness and isolation for older persons, and care is embedded either within the community, on site or in the neighbourhood.<sup>91</sup>

85. Inclusive design plays an important role in interaction. One study found that the physical design of individual apartments and the level of proximity between residents were integral factors in the promotion of good neighbour relations. Outdoor environments were also vital in making residents feel included in the life of their community housing and in improving their well-being.<sup>92</sup>

<sup>85</sup> Submission by the Comisión de Derechos Humanos de la Ciudad de México.

<sup>86</sup> Submission by the Commission on Human Rights of the Philippines.

<sup>87</sup> Submission by AGE Platform Europe.

<sup>88</sup> Submission by Germany.

<sup>89</sup> Housing Europe Observatory, "Ageing well at home", Housing in the Post-2020 EU Series, vol. 5, May 2021.

<sup>90</sup> Siobhan Fox and others, "Exploring the housing needs of older people in standard and sheltered social housing", *Gerontology and Geriatric Medicine*, vol. 3 (2017).

<sup>91</sup> Alex Benzie and others, "Alternatives to long-term care and housing: an environmental scan", 14 April 2020.

<sup>92</sup> Submission by Paul Willis, Associate Professor in Social Work and Social Gerontology at the School for Policy Studies of the University of Bristol, United Kingdom.

### **Home-sharing and multi- or intergenerational housing**

86. Some older persons share their oversized homes with other people of all ages in need of housing, such as students.<sup>93</sup> In some cases, the person hosted pays a reduced rent or provides company and services to the older persons who have accommodated them. This concept of burden-sharing has the positive effect of increasing social contacts. In its 2021 *Global Report on Ageism*, the World Health Organization (WHO) indicates that intergenerational contact is a very effective intervention for reducing the likelihood of perpetrating ageism against others and of self-directed ageism.<sup>94</sup> This should also result in spaces and services being designed in a way that allows members of different generations to meet and interact together.

### **Supported housing**

87. Supported or sheltered housing refers to purpose-built housing that allows older residents to live independently, with available support and services. It consists of multiple homes provided within one complex. The services might include a 24-hour alarm call system and on-site facilities such as laundry, communal facilities and social activities. Older persons should have access to additional activities and resources in the wider community.<sup>95</sup>

### **Cooperative housing**

88. Senior cooperative housing, in comparison with other forms of community and supported housing, is developed and self-managed by older persons, allowing them to take control of their life in relation to housing and to define its characteristics based on their preferences and needs as active citizens. Since the group of older persons is very heterogeneous, there are as many forms of senior cooperative housing as there are projects. The common objective is to combine individual autonomy with collective solidarity among residents. This flexibility allows for the expression of people's specific preferences, which can be very useful for members of gender, sexual or religious groups or cultural minorities, who may face discrimination in other settings and may feel more comfortable living among members of their own group.

### **Age-friendly cities and communities**

89. In 2006, WHO launched a project on "age-friendly cities", to identify how cities could better include older persons. The areas to be considered included housing, transportation, participation, health services, social inclusion, information and outdoor spaces.<sup>96</sup>

## **B. Addressing homelessness**

90. Measures to address homelessness range from temporary housing and shelters, to more permanent solutions. Temporary housing solutions can play a significant role by providing a supported environment where homeless older persons can receive urgent care and social assistance to prepare for their integration into the community and the transition to permanent housing.<sup>97</sup>

<sup>93</sup> Submission by AGE Platform Europe.

<sup>94</sup> See also [A/HRC/48/53](#), paras. 29 and 92.

<sup>95</sup> Fox and others, "Exploring the housing needs of older people".

<sup>96</sup> World Health Organization (WHO), *Global Age-Friendly Cities: A Guide* (Geneva, 2007). See also [A/HRC/30/43](#), paras. 58–62 and 109–111; and WHO, *World Report on Ageing and Health* (Geneva, 2015), chap. 6.

<sup>97</sup> Submissions by Italy, the Centro Internacional de Longevidad Brasil and Western Australia.

## C. Smart and digital solutions

91. Digital solutions and technology can contribute to autonomous and independent living for older persons, at home or within the community. This is the case with assistive technology such as hearing devices; text-to-speech software using optical character recognition for persons who are visually impaired; voice recognition devices; or emergency devices connected to a call centre, which older persons can use in case of problems or to monitor their health.<sup>98</sup> However, technology can also be a source of social exclusion if older persons do not know how to use digital solutions and technology.

92. Smart home technology can also improve the autonomy and independence of older persons and facilitate the fulfilment of their right to adequate housing by enabling domestic task automation, easier communication and higher security. The possibility of obtaining access to various services or performing administrative tasks online can make life easier for older persons, especially when they live in an area that is badly located in terms of services and transport. Despite its benefits, smart home technology presents several challenges to the use of this technology, including financial and technical accessibility and the potential risk it can represent to the privacy of the person using them.

## V. Conclusions and recommendations

93. **To ensure the enjoyment by older persons of their right to adequate housing, States have the responsibility to promote inclusive, age-friendly communities and environments and to provide a range of support services that promote their dignity, autonomy and independence, so as to enable them to remain in their home, taking into account their will and individual preferences.<sup>99</sup> States also have an obligation to protect older persons from forced evictions. Combating ageism, age-discrimination and intersecting forms of discrimination, including discrimination based on gender, disability, race, ethnicity, migrant status, sexual orientation and gender identity, religion or indigenous status, that compound the situation of older persons, is a fundamental obligation of States that is deemed to be of immediate effect.<sup>100</sup>**

### *International binding legal instrument*

94. **States should adopt an international legally binding instrument on the human rights of older persons to close the identified protection gaps for older persons, including their right to adequate housing. The drafting of such a convention must involve the meaningful participation of older persons, their representative organizations, civil society organizations and national human rights institutions.**

### *Legal and policy frameworks*

95. **States must ensure that discrimination based on both older age and ageism is prohibited, including in housing-related laws. Furthermore, States should take measures to eliminate ageism and discrimination based on age that prevent older**

<sup>98</sup> Thomas Tannou and others, “Effectiveness of smart living environments to support older adults to age in place in their community: an umbrella review protocol”, *BMJ Open*, vol. 12, No. 1 (2022).

<sup>99</sup> Human Rights Council resolution 48/3.

<sup>100</sup> OHCHR and UN-Habitat, *The right to adequate housing*.

persons from obtaining access to economic and other resources, including financial services, land, adequate housing and the right to inheritance.

96. States should ensure that their national human rights institutions and independent monitoring bodies working to enforce the rights of older persons have adequate resources to monitor and receive complaints about violations of the economic, social and cultural rights of older persons, including their right to adequate housing. They should also have the authority to provide remedies and to carry out inquiries, as well as to make recommendations.

97. Legislation or practices that enable substitute decision-making, especially in the context of forced institutionalization, must be repealed and replaced by laws guaranteeing supported decision-making, as set out in the Convention on the Rights of Persons with Disabilities.

98. All laws, policies and strategies must promote the right of older persons, taking into account full diversity in later life, to live where, how and with whom they want, as set out under international law and, in particular, the Convention on the Rights of Persons with Disabilities.

#### *Support for alternative forms of housing*

99. Older persons, despite their disabilities, must not be forcibly institutionalized or placed in institutions for the purpose of care. States must take appropriate steps to transform institutional forms of care into settings that allow for older persons to retain their right to decide for themselves, as well as their autonomy and independence, with the objective of ending care institutionalization. Adequate funding should be provided to ensure the availability of age-friendly support and services at home and within the community. Policies and measures that allow the spatial segregation of older persons must be abolished.

100. Long-term care and palliative services must ensure and respect the right to live independently for older persons with or without disabilities to live in the community, which can be in different settings: in their own home; in a family setting; in shared housing; in multigenerational settings; or in a wide range of supported residential living arrangements.

101. States have the obligation to provide age-friendly housing adapted to the needs and rights of older persons, in addition to the traditional options of home-based care or long-term care in collective residences. Spaces and services should be designed in such a way as to allow persons of different generations to meet, interact and learn from each other.

102. States should prioritize the adaptation of existing homes to age-friendly and age-compliant requirements. This should be complemented by the adoption of design features in new constructions that would ensure the easy adaptation of homes as the needs of their inhabitants evolve.

#### *Access to justice*

103. States must establish effective redress mechanisms and ensure access to justice for older persons, if their right to adequate housing has been allegedly violated on the basis of age discrimination. This obligation includes access to legal aid and support, as well as accessible and age-sensitive legal proceedings. Awareness-raising can play a role in preventing and redressing abuses, by highlighting the consequences of age discrimination and the existing legal provisions and available judicial and other forms of remedy.

104. The provision of age-friendly counselling and advisory services should be made available to contribute to the safeguarding of the economic security of older persons, notably in relation to requests for social benefits, debt and energy counselling.

*Intersectional or multiple discriminations*

105. States have the obligation to eliminate all housing-related laws, policies and practices that are discriminatory on the basis of age, gender, sex, race, ethnicity, religion, disability and any other status. Ageism and intersectional factors need to be addressed in anti-discrimination laws and policies, including in relation to the right to adequate housing.

106. Discriminatory property and inheritance laws against women must be repealed. Customary practices that disadvantage older women must be eradicated, and robust preventive and protection measures, for example in relation to land grabbing, must be adopted. States have the obligation to eliminate and prosecute gender-based harmful practices, violence and dispossession of property.

*Security of tenure*

107. States have the obligation to adopt measures to tackle homelessness and to protect older persons from forced eviction. In cases of forced evictions, States should take all appropriate measures to ensure that adequate alternative housing, resettlement or access to productive land is available, especially in situations of crisis, such as during the COVID-19 pandemic.

*Availability of services*

108. States should invest in accessible, affordable, integrated and quality infrastructure and services for all forms of care that is based on free and informed consent on a non-discriminatory basis, that prioritizes home and community-based services and that reflects a gender perspective.

109. States should provide older persons with sufficient Internet connectivity, including in rural areas, strengthen the digital competence of older persons and empower them to use digital technologies. Housing-related digital solutions for older persons should provide accessible technical support for all.

*Affordability*

110. Considering the increased risk of poverty of many older persons and the cost of housing in urban areas, States must take proper action to improve the affordability of housing. States have a responsibility to ensure that adequate housing is available or provided to groups with the greatest needs and who cannot provide for themselves. Private actors should also be encouraged to build social housing through fiscal incentives. States should also consider requiring a certain percentage of affordable housing for older persons when approving any new public or private developments.

111. The affordability of housing can also be supported by improving the income of older persons, for instance in increasing their salaries, re-evaluating their pensions or allowing them to continue working after retirement age. Ensuring access to employment for older persons can have a positive impact on their capacity to pay their rent or mortgage and to cover their housing repair, maintenance and adaptation needs.

112. Having access to financial services also contributes to the affordability of housing. In the context of their responsibility to eliminate discrimination on the basis of age, States should remove barriers preventing access by older persons to bank loans and other financial goods and services. In the case of older persons who own their homes but have inadequate income to cover their costs of living, including the maintenance of their homes, utilities and other expenses, States should consider the introduction of schemes that would allow older persons to obtain access to the equity in their homes on fair and reasonable terms.

#### *Habitability*

113. States must adopt measures to adapt housing to climate change and to mitigate its effects. This can include urban planning and building specifications targeting new constructions or financial support for home renovations. Housing should be better insulated and better equipped with energy- and resource-saving designs, materials and equipment, which also will save on costs for older persons.

114. Authorities have a responsibility to prevent and mitigate the effects of natural hazards, whether those disasters are related to climate change or other causes (such as earthquakes). This can be done through adequate territorial and urban planning, by limiting residential housing to areas that are not hazard-prone, or by building protective infrastructure, such as dams or dykes, or retrofitting buildings in the context of post-disaster reconstruction to make them more resistant to disasters and thus protect the lives of their inhabitants.

115. In the wake of conflicts, disasters, or emergencies, aid programmes established by States must take into account the housing needs of older persons. The same applies to State development cooperation programmes.

#### *Accessibility*

116. States should establish standards guaranteeing the accessibility of housing and its environment, taking into account the needs of older persons, notably those with disabilities. Those standards should apply to new constructions of facilities that are open to the public, or to individual or collective housing. Policies and standards on accessibility should also be integrated into spatial planning and urban design.

117. Accessibility can be improved through subsidies to allow older persons to adapt their housing to their needs and make it safer and more comfortable or through financial support for, and the full or partial reimbursement by public health insurance of, assistive devices that improve the mobility and autonomy of older persons and persons with disabilities and enable them to live independently.

118. Accessibility of spaces that are open to the public is another responsibility of authorities that enact measures to enable a supportive environment. This should be reflected in the spatial planning and environmental design of cities, so as to remove barriers to mobility and access.

119. States should require the private housing sector to consider the needs of older person when building new houses, especially with regard to accessibility.

120. States should ensure that all new public and private residential developments are subject to and comply with the requirement of universal design, as well as being able to be modified easily to include any adaptations that would meet the needs of older persons and others with particular needs. States should also adopt measures to ensure that such requirements apply to substantial

**renovations of existing dwellings, where feasible, and encourage that application, where appropriate, by providing financial incentives.**

*Location*

**121. States must guarantee that older persons have access to housing in areas with accessible and sustainable transport solutions, especially in rural areas.**

*Participation*

**122. States have the responsibility to ensure the meaningful participation of older persons and/or of their representative organizations, so as to reflect their views and experiences in the design and implementation of housing policies at the national and subnational, such as provincial and local, levels. The creation of committees or boards at various levels, to be in charge of coordinating relations with associations of older persons, would contribute to improving the adequacy of policy and planning.**

*Information*

**123. Information on age-friendly housing options should be made available and accessible to older persons. The provision of information should also be available to older persons who live in remote areas or who may not speak the national language, for instance, some older migrants, refugees or people belonging to minorities or indigenous peoples. Such information should also be accessible to older persons with disabilities, especially in formats that are easy to read, in sign language or available through screen readers.**

*Monitoring and data*

**124. States should collect and analyse disaggregated data and information with respect to housing, living arrangements and social protection schemes, as well as on access to independent living, support and services, in order to identify inequalities and patterns of discrimination and render them visible, in order to analyse the effectiveness of measures aimed at promoting equality.**

**125. The Independent Expert furthermore recommends that the United Nations programmes, funds and agencies include a human rights-based and age-friendly approach in all its work on the right to housing when assisting States in implementing and mainstreaming policies and programmes on housing strategies.**

**126. Treaty bodies should proactively examine the situation of older persons using a life cycle approach, in order to improve the monitoring and enjoyment of the right to adequate housing.**

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