

“The right to adequate housing in older age”, HelpAge International

HelpAge paper submission for the Expert Group Meeting on “Affordable housing and social protection systems for all to address homelessness”, 22-24 May 2019 at UN Habitat, Nairobi.

Introduction

Urban residents do not enjoy equal access to the benefits of living in a city as we are often excluded and marginalised - spatially, socially and economically - particularly in older age. We face discrimination based on our older age and other intersecting forms of discrimination based on our ethnicity, physical ability, gender and sexuality on a daily basis. The right to adequate housing is often denied to urban residents, particularly in older age.

Over 500 million older people globally live in cities - a number projected to increase to over 900 million by 2050¹. The challenges we face as older urban residents are exacerbated by increasing incidence of climate and humanitarian emergencies impacting urban areas.

An opportunity exists now to ensure that our cities are appropriate for ageing urban populations and protect and promote our rights throughout our lives including into older age. This requires national and city level governments, decision makers and stakeholders to respond to ageing urban populations with inclusive and appropriate policies and initiatives.

This paper looks at the right to adequate housing in the context of ageing urban populations. Governments must be held accountable for commitments made in international frameworks including the Sustainable Development Goals and the New Urban Agenda. The World Health Organisation has made a number of recommendations with regards to adequate housing in older age. Examples from New Delhi and Zimbabwe look at some of the issues that older people face that can lead to housing insecurity and homelessness and the paper calls for further research to understand the housing challenges older people face. This paper also calls attention to the specific challenges around tenure insecurity due to poor inheritance rights and violence faced by older women, as well as the disaster risk of older people living in informal settlements.

Despite some recognition and awareness of the challenges and issues facing older people in terms of housing, there continues to be a significant gap in knowledge and understanding. The complex causes behind insecure housing and the different experiences of older people, often based on intersecting identities and inequalities such as gender and income, mean more research and engagement with older people around housing issues is necessary.

Right to Adequate Housing

The right to adequate housing is a component of the broader right to an adequate standard of living and the right to non-discrimination. During a recent visit to South Korea, the UN Special Rapporteur on Adequate Housing drew specific attention to housing related issues often faced by older people². The report stated that half of older persons live in relative poverty and in poor living conditions, especially when they do not own their own home.

¹ Urban and Rural Population by Age and Sex 1980-2015, <http://esa.un.org/unpd/popdev/urpas/urpas2014.aspx> (31 August 2016)

² Human Rights Council, Visit to the Republic of Korea, https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session40/Documents/A_HRC_40_61_Add.1.docx

It was highlighted that social security payments, particularly for women who generally receive lower pension entitlements, were not sufficient to meet average and increasing rental costs. The report also drew attention to the fact that older people constitute a significant proportion of people living in informal settlements. In addition to concerns about the quality of informal housing, it can mean they are more vulnerable to both the consequences of urban redevelopment projects as well as climate and natural disasters. As an example of positive steps, the report highlights a social housing building programme that includes units specially designed and customised for older people.

HelpAge International highlights how older women commonly face two main threats to their security of tenure. First, formal and customary laws often discriminate against women in their right to own property or inherit it. Secondly, older women are often victims of land grabs through violence and intimidation.

There are communities where women are not able to hold title to property. In others, women do not have the right to inherit their property upon the death of a spouse. As women generally live longer lives than men, this means many older women face complex and intimidating property disputes that jeopardise the security of their tenure. The Committee on the Elimination of Discrimination against Women's General Recommendation No. 27 calls for states and parties to "repeal all legislation that discriminates against older widows in respect of property and inheritance, and protect them from land grabbing"³.

In many countries, older women face extrajudicial challenges to their security of tenure. Accusations of witchcraft are used as justification for property grabbing, violence and even murder. The Special Rapporteur on Extra Judicial Summary or Arbitrary Executions states that as many as a thousand, mainly elderly Tanzanian women are targeted and killed annually⁴. The number of older women made to leave their properties is thought to be much greater.

HelpAge International makes a number of recommendations to tackle the issue including calling for the eradication of discriminatory laws, criminalising property grabbing so it is not seen simply as a family issue, and providing paralegal support.

International Frameworks

The Sustainable Development Goals very clearly call for inclusive urbanisation that ensures older people participate in planning and decision making, have access to safe, affordable and accessible public transportation and enjoy safe, inclusive and accessible green and public spaces. The New Urban Agenda coming out of the Habitat III conference in Quito, Ecuador similarly calls for a recognition that ageing urban populations must be responded to with, amongst other measures, public spaces designed for people, a reduction in air pollution. These international frameworks also include specific requirements in terms of adequate housing and non-discrimination in older age.

The Sustainable Development Goals and the New Urban Agenda provide opportunities for national and city level governments and other stakeholders to make clear and firm commitments to creating inclusive cities that protect and promote our rights throughout our lives. Government policies and actions must be held accountable to these commitments and ambitions to help ensure all urban residents have access to affordable, safe and appropriate housing throughout their lives including into older age.

The New Urban Agenda states...

³ CEDAW, General recommendation No. 27 on older women and protection of their human rights, CEDAW/C/GC/27, 16 December 2010 para 52.

⁴ OHCHR, <http://www.ohchr.org/EN/NEWSEVENTS/Pages/Witches21stCentury.aspx>

“We commit to promote the development of integrated and age- and gender-responsive housing policies and approaches across all sectors, in particular employment, education, healthcare, and social integration sectors, and at all levels of government, which incorporate the provision of adequate, affordable, accessible, resource efficient, safe, resilient, well-connected, and well-located housing, with special attention to the proximity factor and the strengthening of the spatial relationship with the rest of the urban fabric and the surrounding functional areas.”

The Sustainable Development Goals demand...

“By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums”.

In addition to these international frameworks, the World Health Organisation’s Global Network of Age Friendly Cities and Communities brings together practitioners, decision makers and local governments to address the challenges facing older people in urban communities. Amongst a number of areas of focus, the following recommendations are made with regards to housing⁵.

- Affordable housing is available for all older people.
- A range of appropriate and affordable housing options is available for older people, including frail and disabled older people, in the local area.
- Older people are well-informed of the available housing options.
- Sufficient and affordable housing dedicated to older people is provided in the local area.
- There is a range of appropriate services and appropriate amenities and activities in older people’s housing facilities.
- Older people’s housing is integrated in the surrounding community.
- Housing is made of appropriate materials and well-structured.
- Housing is appropriately equipped to meet environmental conditions (e.g. appropriate air-conditioning or heating).
- Housing is adapted for older people, with even surfaces, passages wide enough for wheelchairs, and appropriately designed bathrooms, toilets and kitchens.
- Housing is modified for older people as needed.
- Housing modifications are affordable.
- Maintenance services are affordable for older people.
- Housing is not overcrowded.
- Older people are comfortable in their housing environment.
- Housing is not located in areas prone to natural disasters.
- Older people feel safe in the environment they live in.
- Financial assistance is provided for housing security measures.

Informal settlements and disaster risk

UN Habitat reports that humanitarian crises are increasingly affecting cities and urban environments⁶. Conflict is increasingly becoming urbanised, with cities acting as key strategic sites in confrontations between opposing regimes, ideologies and militias. In addition, the United Nations Office for Disaster Risk Reduction (UNISDR)

⁵ World Health Organization, Global age-friendly cities: a guide, Geneva, World Health Organization, 2007

⁶ UN Habitat, ‘Urban humanitarian crisis – UN Habitat in disaster and conflict contexts’, <http://mirror.unhabitat.org/pmss/listItemDetails.aspx?publicationID=3192> (31 August 2016)

warns that urban growth is taking place in locations prone to earthquakes, droughts and floods – risks that will continue to increase as climate change gathers pace⁷.

Older women and men are at greater risk of exposure to disasters in urban areas, particularly when living in informal housing. Spatial factors in the physical built environment can increase the risks facing older people. These include informal and unplanned urban growth, insecure customary and informal land rights, poor-quality housing, badly designed infrastructure, poor transport infrastructure and ineffective local governance⁸.

Older people in urban areas are particularly vulnerable during times of crisis if they live alone, become separated from their families, or have physical disabilities. They may be cut off and excluded from service provision, suffer physical and psychological distress, and be less able to have any complex health and nutrition needs met⁹.

A majority of displaced people also now live in urban areas. There is often a false assumption that urban refugees do not require the same assistance as those living in camps as they can find jobs, access services and fend for themselves. This assumption overlooks the unique challenges facing refugees and internally displaced persons living in cities, which are often exacerbated by having no legal status or residency rights. HelpAge research on the crisis in Syria found that some families chose to live in urban areas due to better employment opportunities and access to services, but they faced a greater financial burden in doing so because basic goods and accommodation were more expensive¹⁰.

Homelessness in New Delhi

- HelpAge visited two homeless shelters in New Delhi, India to learn from on the ground programme experience about the challenges facing the most marginalised residents of the city.
- Observing and talking to shelter residents and staff revealed a number of social, economic and cultural reasons behind the high number of homeless people and the related health complications that make it difficult for them to get back on their feet.
- Many residents were homeless as a result of family disagreements, a sense of shame, a lack of livelihood opportunities and health conditions and injuries attained whilst living on the street.

With a population of 11 million, Delhi is the second largest city in India and attracts migrants from across the country looking for work and livelihood opportunities. However for many, low pay and a lack of opportunities mean they struggle to survive. An estimated 150,000 residents are homeless with approximately 10,000 living on the plains alongside the Yamuna river.

Many come from alienated and marginalised communities including Pakistani Hindus and Rohingya refugees. Fewer are in older age, simply because their life expectancy is greatly reduced when living on the streets, however there are also a number of older residents living in destitution and relying on shelters.

⁷ United Nations Office for Disaster Risk Reduction (UNISDR), Annual report 2012, Geneva, UNISDR, 2013, www.unisdr.org/we/inform/publications/33363 (8 September 2016)

⁸ Dodman D et al., Understanding the nature and scale of urban risk in low- and middle- income countries and its implications for humanitarian preparedness, planning and response, London, International Institute for Environment and Development, 2013

⁹ Ridout A, Older voices in humanitarian crises: calling for change, London, HelpAge International, 2016, www.helpage.org/newsroom/latest-news/who-will-listen-to-the-older-voices-in-humanitarian-crises (8 September 2016)

¹⁰ HelpAge International/Handicap International, Hidden victims of the Syrian crisis: disabled, injured and older refugees, London, HelpAge International/Handicap International, 2014, www.helpage.org/newsroom/latest-news/hidden-victims-new-research-on-older-disabled-and-injured-syrian-refugees (8 September 2016)

The HelpAge Global Network has over 100 member organisations active in communities across the world. Many implement projects and initiatives that support older people living in urban communities. This on the ground experience provides an unique opportunity to better understand the complex and varied issues and challenges that people face, as well as proving examples of best practice. Observing and interviewing staff and residents at the HelpAge India supported homeless shelters in Delhi provided an opportunity to better understand the challenges faced by older homeless people, as understood by those working closely with the issues on a day to day basis.

Speaking to the residents at the HelpAge India supported homeless shelter, many of the men felt a sense of shame because of their perceived failure to fulfil their responsibilities and would not return home without the respect gained from having earned money. Some find day labour work, but it's low paid and physically demanding, leading to further health issues.

Some of the residents were victims of financial abuse, where their children had taken control of their money and assets, leaving them homeless and with few options. Some of the residents also experience alcohol dependence, particularly in winter when the weather can get cold at night.

At another centre, support workers explained how women who are homeless often require additional psychosocial support due to the level of trauma, often including physical and sexual violence, they have experienced living on the street. Women often have fewer livelihood opportunities than men and have responsibility for children.

Raghuveer Tiwari, aged 99, moved to Delhi from the state of Bihar in the 1980s following a family feud which means he has no contact with them. He is currently staying at the shelter and recovering from eye surgery.

Abbas Ali, aged 63, was hit by a public bus 2 years ago whilst crossing a road. After suffering an infection in his leg, doctors said that amputation was unnecessary however the health issues he faces are poorly understood and he still suffers from pain and numbness.

The centre also has a research programme to better understand and highlight the health burdens carried by homeless people as well as the main causes of preventable death, primarily health issues and the dangers from traffic of sleeping on the streets. The centre provides psychosocial support to deal with many unrecognised mental health issues and offers practical support to help residents claim entitlements.

A number of planned activities keep residents engaged and active, including reading competitions, memory games, festival celebrations. Most of the residents also walk to the nearby local park on a daily basis, one of the few times they leave the centre and see friends.

Care home residents in Zimbabwe

Although African residential old people's homes are not the norm in Zimbabwe because of beliefs that older persons are cared for by their families and communities, institutions do exist where a small category of older persons, such as migrant workers who lost touch with their families, live in their older age.

The majority of residents at Melfort Old People's Home for example, are male, non-Zimbabweans and come from Malawi and Mozambique. They migrated when Zimbabwe was a major destination for regional employment in the mines, farms and as casual or domestic labourers. On retirement, the migrants never went back to their home countries because most have lost contact with families and communities. With little or no pensions or other forms of social protection, they are now destitute.

Another group of vulnerable and deprived older persons at the home are indigenous adults who were relocated by the Department of Social Welfare, as referrals from the police and concerned members of the public. Their stories vary from being indigent as a result of family disputes, to those too old and infirm to work and care for themselves. Some are childless or have been ostracised after being accused of witchcraft. Others have relatives who however discarded them because of the burden of supporting non-contributing family members. As a result, these older persons are institutionalised, having suffered additional traumas associated with destitution, societal disintegration, loneliness, neglect and separation from their countries, communities and families

Conclusion

- The right to adequate housing is a key component of the rights to an adequate standard of living and non discrimination. International frameworks such as the Sustainable Development Goals and the New Urban Agenda are explicit about the need to prioritise adequate housing in older age and governments must be held accountable to these commitments.
- Older people's access to entitlements needs to be strengthened, especially for migrants and homeless older people, to support older people to live in affordable and adequate housing
- Research on the experiences of challenges around housing and homelessness in older age is scarce and a greater body of knowledge is required to develop appropriate evidence-based policies and programmes to address these issues.
- The causes of housing insecurity and homelessness in older age are complex and diverse but often include issues around poverty, inheritance rights, elder abuse, migration and health issues. Older age is not a homogenous experience and the diversity of issues required careful and holistic solutions.
- Measures required include the provision of social housing designed for older age, sufficient universal social security to cover the cost of housing, paralegal support for housing issues, well considered and designed properties that ensure accessibility throughout the life course, and the support and creation of communities of social connectedness around where older people live.