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# THE HUMAN RIGHTS SITUATION OF OLDER PERSONS IN UKRAINE IN THE CONTEXT OF THE ARMED ATTACK BY THE RUSSIAN FEDERATION

## BRIEFING PAPER

MAY 2023

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### I. INTRODUCTION

1. This briefing paper addresses the human rights situation of older persons in the context of the ongoing armed attack by the Russian Federation against Ukraine.<sup>1</sup> Its findings, based on the work of the UN Human Rights Monitoring Mission in Ukraine (HRMMU), cover the period from 24 February 2022 to 28 February 2023. While older persons were already facing vulnerabilities prior to 2022, the armed attack by the Russian Federation has led to a grave deterioration of their human rights, in particular their rights to life, social security, adequate housing, and health. HRMMU recognises the steps taken by the Ukrainian Government to protect and fulfill these rights, the significant challenges it faces, and the role of the international community in assisting the Government. The paper provides recommendations to the Russian Federation, Ukraine, and the international community, including donors, to ensure that their actions and programmes reach older persons and contribute to realising their rights in a manner that reinforces their agency and dignity during hostilities, as well as in early recovery and reconstruction.

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<sup>1</sup> In this paper, older persons refer to people aged 60 and above. Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 6: The Economic, Social and Cultural Rights of Older Persons, 8 December 1995, E/1996/22, para. 9. HRMMU fully acknowledges that older persons do not form a heterogeneous group: some are in good health and work, while others do not have adequate means of support and are among the most vulnerable. As focusing on their increased vulnerabilities and needs may cast them as mere “recipients of aid”, HRMMU wishes to underline the unique role older persons have played in their families and communities since the beginning of the armed attack by the Russian Federation against Ukraine. Some are caring for relatives or neighbors with their meager means, while others work as volunteers or are the only steady source of income in their families.

## II. METHODOLOGY

2. This paper examines the situation of older persons in Ukraine with a particular focus on conflict-affected areas, including those in occupied territory, and areas with a significant population of internally displaced persons (IDPs).<sup>2</sup> The paper is based on information gathered during visits to shelters and care institutions, as well as 77 interviews with victims and witnesses of human rights violations, representatives of groups in vulnerable situations, and local authorities.<sup>3</sup> Interviews were conducted in person and where not possible, remotely. HRMMU also analysed relevant legislation and policy frameworks of the Government of Ukraine and gathered information through open sources.
3. Findings are based on verified information collected from primary and secondary sources that were assessed as credible and reliable. They are included in the paper where the OHCHR standard of proof of “reasonable grounds to believe” is met, namely where, based on a body of verified information, an ordinarily prudent observer would have reasonable grounds to believe that the facts took place as described. Conclusions are drawn when there are reasonable grounds to conclude that the facts meet all the elements of a human rights violation.
4. Information in this briefing paper is used in full respect of free, prior and informed consent of all sources as to its use, as well as HRMMU’s assessment of any risk of harm that such use may cause. This may entail removing identifying details to ensure the confidentiality or protection of sources.

## III. CONTEXT: IMPACT OF THE ARMED ATTACK ON THE CIVILIAN POPULATION

5. On 24 February 2022, the Russian Federation initiated a wide-scale armed attack against Ukraine. The use of explosive weapons in or near densely populated areas has resulted in thousands of civilian casualties.<sup>4</sup> Broad swaths of Ukrainian territory have been contaminated by tens of thousands of mines and explosive remnants of war (ERW). The hostilities have also resulted in the mass destruction of civilian housing and infrastructure, including health facilities, water supply networks,<sup>5</sup> and power stations, and the displacement of over 13 million people, both internally and outside of Ukraine.<sup>6</sup>

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<sup>2</sup> HRMMU findings on the issue of housing in occupied territory are nevertheless limited.

<sup>3</sup> With 49 women and 28 men, including 32 older women and 17 older men.

<sup>4</sup> OHCHR latest updates on civilian casualties are available at <https://ukraine.un.org/en/resources/publications>.

<sup>5</sup> Access to water remained limited throughout many conflict-affected areas, including in territory occupied by the Russian Federation, as water infrastructure was damaged by hostilities. In parts of Donetsk region occupied by the Russian Federation, people have running tap water only a few hours once every three to five days.

<sup>6</sup> As of February 2023, there were 5.3 million IDPs registered in Ukraine and 8.1 million refugees recorded across Europe. IOM, *Displacement Tracking Matrix - Ukraine*, <https://dtm.iom.int/ukraine>; and UNHCR, *Operational Data Portal – Ukraine Refugee Situation*, <https://data.unhcr.org/en/situations/ukraine> (accessed on 6 April 2023).

6. The armed attack has also led to a substantial increase in the prices of essential goods such as food, with inflation at 17.4 per cent from January to June 2022 and 24.6 per cent in September 2022.<sup>7</sup> The World Bank noted that between February and December 2022, food and non-alcoholic beverage prices had increased by 34.4 per cent for Ukraine as a whole, and by 73.5 per cent in Kherson region, parts of which are occupied by the Russian Federation.<sup>8</sup> According to Government estimates, the average monthly rent for a one-room apartment in Ukraine increased by 32.7 per cent in 2022. In Lviv, the average rental price increased by 2.1 times, while Dnipro region saw an increase of 65 per cent.<sup>9</sup>
7. Starting on 10 October 2022, and throughout the winter months, Russian armed forces launched a series of strikes by missiles and loitering munitions on cities and energy supply objects across Ukraine, including power stations. These attacks, which continued during the winter months, have resulted in large-scale electricity blackouts and water and heating cuts which severely impacted civilians' capacity to face the cold temperatures.
8. The hostilities, the destruction of civilian infrastructure and Ukraine's ravaged economy have severely undermined the human rights of older people. In Ukraine, a quarter of the population is more than 60 years old and over 1.7 million people are above the age of 80.<sup>10</sup> Moreover, around 80 per cent of single pensioners, who are mostly women, live under the poverty line.<sup>11</sup> As Ukrainian women live on average 10 years longer than men, they represent about two-thirds of persons aged 65 and above.<sup>12</sup>

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<sup>7</sup> National Bank of Ukraine, *Inflation report, Summary October 2022*, October 2022, [https://bank.gov.ua/admin\\_uploads/article/IR\\_2022-Q4\\_en.pdf?v=4](https://bank.gov.ua/admin_uploads/article/IR_2022-Q4_en.pdf?v=4) (accessed on 6 April 2022).

<sup>8</sup> World Bank, *Ukraine Rapid Damage and Needs Assessment: February 2022-2023*, March 2023, <http://documents.worldbank.org/curated/en/099184503212328877/P1801740d1177f03c0ab180057556615497> (accessed on 6 April 2023).

<sup>9</sup> State Statistics Service of Ukraine, *Average consumer prices for goods (services) in Ukraine in 2023*, February 2023, [https://ukrstat.gov.ua/operativ/operativ2018/ct/sctp/Arch\\_sctp\\_u.htm](https://ukrstat.gov.ua/operativ/operativ2018/ct/sctp/Arch_sctp_u.htm) (accessed on 6 April 2023).

<sup>10</sup> State Statistics Service of Ukraine, *Distribution of the permanent population of Ukraine by sex and age*, 2019, [https://ukrstat.gov.ua/druk/publicat/kat\\_u/2019/zb/07/zb\\_rpnu2019.pdf](https://ukrstat.gov.ua/druk/publicat/kat_u/2019/zb/07/zb_rpnu2019.pdf) (accessed on 16 January 2023).

<sup>11</sup> OECD, *Social policies for an inclusive recovery in Ukraine*, 1 July 2022, <https://www.oecd.org/ukraine-hub/policy-responses/social-policies-for-an-inclusive-recovery-in-ukraine-506fcefb/> (accessed on 6 April 2023).

<sup>12</sup> State Statistics Service of Ukraine, *Distribution of the permanent population of Ukraine by sex and age*, 2019.

## IV. INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW: OLDER PERSONS IN SITUATIONS OF ARMED CONFLICT AND OTHER EMERGENCIES

9. Ukraine and the Russian Federation have ratified the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).<sup>13</sup> In addition, both States are parties to the Convention of the Elimination of Discrimination against Women (CEDAW)<sup>14</sup> and the Convention on the Rights of Persons with Disabilities (CRPD).<sup>15</sup> The CEDAW imposes on States the obligation to ensure men and women the same rights, including the right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age.<sup>16</sup> The CRPD requires States to take, in accordance with their obligations under international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of older persons with disabilities in situations of risk, including situations of armed conflict.<sup>17</sup>
10. The UN Guiding Principles on Internal Displacement also state that certain internally displaced persons, such as elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs (Principle 4).<sup>18</sup>
11. International human rights law continues to apply in situations of armed conflict,<sup>19</sup> alongside international humanitarian law, which contains provisions for the protection of civilians and provides that older persons are entitled to special respect and protection.<sup>20</sup> The Russian Federation

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<sup>13</sup> Both Russia and Ukraine ratified the ICCPR and the ICESCR in 1973.

<sup>14</sup> Ukraine and the Russian Federation ratified the CEDAW in 1981.

<sup>15</sup> Ukraine and the Russian Federation ratified the Convention in 2010 and 2012 respectively.

<sup>16</sup> Art. 11.1(e).

<sup>17</sup> Art. 11. In addition, articles 25(b) and 28(c) explicitly recognises the obligation for States to ensure that older persons with disabilities have access to health services needed specifically because of their disabilities and social protection programmes.

<sup>18</sup> In addition, the Pinheiro Principles on Housing and Property Restitution for Refugees and Displaced Persons provide that “States should adopt positive measures aimed at alleviating the situation of refugees and displaced persons living in inadequate housing” (Principle 8).

<sup>19</sup> The International Court of Justice has recognised that the protection offered by human rights conventions, such as the ICCPR and ICESCR, does not cease in times of armed conflict, save through the effect of provisions for derogation. *Legality of the Threat or Use of Nuclear Weapons - Advisory Opinion of 8 July 1996 - Advisory Opinions* [1996] ICJ 3; ICJ Reports 1996, p. 226; [1996] ICJ Rep 226 (8 July 1996), para. 25; *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory – Advisory Opinion of 9 July 2004*, [2004] ICJ Rep 136 (9 July 2004), paras. 106 and 112; *Armed Activities on the Territory of the Congo (Democratic Republic of The Congo v. Uganda)*, Judgment, Merits, [2005] ICJ Rep 168 (19 December 2005), para. 216.

<sup>20</sup> This includes ensuring and maintaining the medical and hospital establishments and services, public health and hygiene (art. 56 of Geneva Convention IV); providing food and medical supplies to the population (art. 55 of Geneva Convention IV), as well as clothing, bedding, means of shelter, and other essential supplies (art. 69 of Additional Protocol I to the Geneva Convention).

is bound by international humanitarian law and international human rights law, including as occupying Power in the occupied territory of Ukraine.<sup>21</sup>

12. Article 4(2) of the ICCPR states that certain rights are non-derogable in time of armed conflict or other public emergencies that threaten the life of the nation, such as the rights to life and to be free from torture or cruel, inhuman or degrading treatment.<sup>22</sup> Furthermore, according to the Human Rights Committee, the duty to protect life under article 6 of the ICCPR also implies that States should take measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity. These include, where necessary, measures designed to ensure access without delay by individuals to essential goods and services such as food, water, shelter, health care, electricity and sanitation, and other measures designed to promote and facilitate adequate general conditions, such as social housing programmes.<sup>23</sup>
13. While the ICESCR does not contain a provision that explicitly addresses this matter, the Committee on Economic, Social and Cultural Rights stated that core obligations to ensure minimum essential levels of each of the rights<sup>24</sup> enshrined in the ICESCR<sup>25</sup>, are non-derogable and “continue to exist in situations of conflict, emergency and natural disaster”.<sup>26</sup> The ICESCR protects the rights to an adequate standard of living that includes food and housing; to physical and mental health; and to social security.<sup>27</sup> These rights belong to all members of society, including older persons, without discrimination.<sup>28</sup> Freedom from hunger, basic housing and access to health

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<sup>21</sup> Concerning the application of the ICESCR in the occupied territory, see CESCR, Concluding observations regarding Israel, 4 December 1998, E/C.12/1/Add.27, para. 8.

<sup>22</sup> Articles 6 and 7 of the ICCPR. With regards to degrading treatment, the European Court on Human Rights (ECtHR) considers that complaints about insufficient social benefits “may, in principle, raise an issue under Article 3 of the Convention (European Convention on Human Rights) which prohibits inhuman or degrading treatment”. See *Larioshina v. Russia* (decision on admissibility) [2002] 35 EHRR (ECtHR 56869/00). Ukraine ratified the European Convention on Human Rights on 11 September 1997.

<sup>23</sup> CCPR, General Comment No. 36, para. 26.

<sup>24</sup> Under article 2(1) of the ICESCR each State Party “undertakes to take steps [...], to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the Covenant”. The CESCR noted that this provision entails a minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights. See, CESCR, General Comment No. 3, para. 10.

<sup>25</sup> CESCR, General Comment No. 14, para. 47.

<sup>26</sup> CESCR, Statement-Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights: Poverty and the International Covenant on Economic, Social and Cultural Rights, E/C.12/2001/10, paras. 15-18; Statement-Duties of States towards refugees and migrants under the International Covenant on Economic, Social and Cultural Rights, E/C.12/2017/1, para. 10.

<sup>27</sup> Articles 11, 12 and 9 of the ICESCR. States’ obligations under the right to social security are further clarified in CESCR, General Comment No. 19: The right to social security (Art. 9 of the Covenant), 4 February 2008, E/C.12/GC/19.

<sup>28</sup> While the Covenants do not refer explicitly to age as one of the prohibited grounds of discrimination, the CESCR Committee stated that the prohibition of discrimination on the grounds of “other status” in the ICESCR could be interpreted as applying to age. The Committee also noted that the range of matters in relation to which such discrimination can be accepted is very limited. General Comment No. 6, paras. 10-12. Likewise, the Human Rights Committee found that age may constitute one of the grounds for discrimination prohibited under article 26 of the ICCPR. See, for instance, *Canessa Albareda et al v. Uruguay*, CCPR/C/103/D/1637/2007,1757&1765/2008, para. 9.2.

services and essential medicines are key to ensuring the rights to life and to be free from degrading treatment.<sup>29</sup> In fulfilling their obligations, States are required to take special measures, to the maximum of available resources, to ensure the full enjoyment by older persons of all the rights contained in the Covenant.<sup>30</sup> The ICESCR also reminded States to pay particular attention to the situation of older women, who often receive lower old-age benefits because of past unpaid caregiving activities.<sup>31</sup> Even in times of severe resource constraints, States must protect the vulnerable members of society. When States are unable to ensure these rights, they must seek international cooperation and assistance.<sup>32</sup>

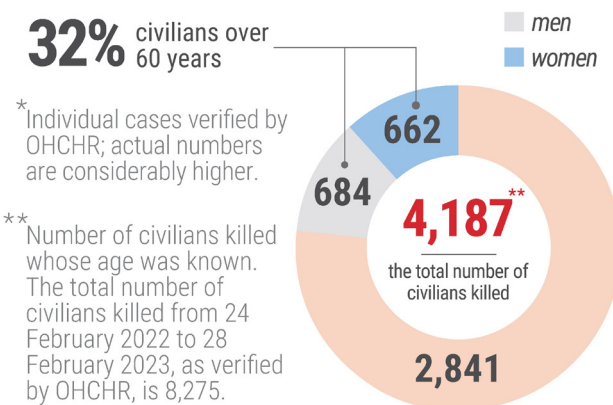
## V. INCREASED VULNERABILITY AND RIGHTS TO LIFE AND SECURITY OF OLDER PERSONS

*“It was so scary for me to hear old people crying and moaning at night not from pain, but because they were hungry.”*

- A resident of Hostomel while the city was controlled by Russian armed forces in March 2022

14. The armed attack by the Russian Federation against Ukraine has disproportionately jeopardised older persons’ enjoyment of their rights to life and security. Although they represent 25 per cent of the population, people over 60 made up 32 per cent of civilians killed from 24 February 2022 to 28 February 2023 (for cases in which age was recorded).
15. Mines and ERW, especially in areas where hostilities have been intense, pose a great threat to their life, especially since older persons constitute the majority of those remaining in conflict-affected areas.

### UKRAINE: CIVILIAN CASUALTIES AMONG OLDER PERSONS (KILLED)\* from 24 February 2022 to 28 February 2023



Creation Date: 9 May 2023 Source: OHCHR HRMMU

<sup>29</sup> All human rights are interdependent and mutually supportive – civil, political, economic, social and cultural rights reinforce each other.

<sup>30</sup> CESCR, *Walters v. Belgium*, E/C.12/70/D/61/2018, para. 11.6

<sup>31</sup> CESCR, General Comment No. 6, para. 20.

<sup>32</sup> CESCR, General Comment No. 3, para. 12.

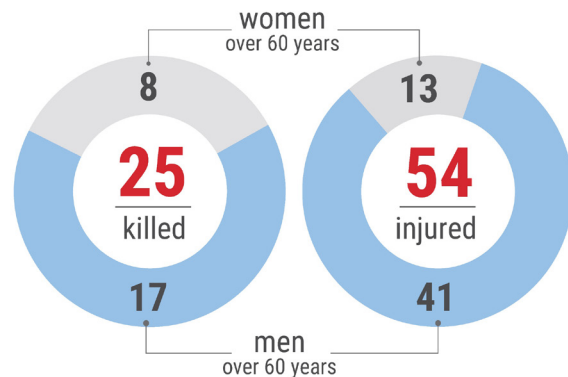


From 24 February 2022 to 28 February 2023, HRMMU documented that 25 civilians over 60 were killed and 54 injured by mines and ERW, which constitutes 20 per cent of the total of civilian casualties resulting from this type of weapon.

16. The armed attack has also drastically increased the risk of older persons living in degrading conditions, even when they have fled to safer areas. Older persons in areas directly affected by hostilities, on both sides of the front line, have not only faced direct threats to their life, but also suffered from food shortages, inadequate living conditions, electricity blackouts, water cuts, and lack of access to health services, medication and pensions (often their only form of income). All these factors have drastically increased their vulnerability and undermined their right to life with dignity, especially during winter. Those with slower reaction times and restricted mobility have been particularly affected.

**UKRAINE: CIVILIAN CASUALTIES AMONG OLDER PERSONS CAUSED BY MINES AND EXPLOSIVE REMNANTS OF WAR (ERW)\***

*from 24 February 2022 to 28 February 2023*



\* Individual cases verified by OHCHR, based on casualties among people whose age was known; actual numbers are actually higher.

Creation Date: 9 May 2023 Source: OHCHR HRMMU

**Access to and conditions in bomb shelters**

17. It is usually more difficult for older persons to reach bomb shelters due to reduced or impaired mobility. Many cannot leave their home without assistance, putting them at extreme risk during shelling. HRMMU documented several cases of older persons who were killed because they could not reach a shelter or were not provided with the necessary assistance to do so. In March 2022, while Russian armed forces occupied the town of Iziium, a woman with disability in her mid-60s burned to death when the building where she lived was hit by shelling and caught fire. She could not escape quickly enough due to an amputated leg.
18. HRMMU also documented that many older persons had to remain in basements for prolonged periods in conditions undermining their health. In April 2022, while the city of Iziium was under intense shelling, an 83-year-old woman died in a shelter due to a lack of food, water, medicine and proper healthcare. In other cases, older persons could not leave shelters because of the lack of assistance. For example, in June 2022, a 74-year-old woman with arthritis living alone in Kharkiv region was trapped in her own basement until her daughter and son-in-law were able to come and assist her, ten days after the shelling had ended.
19. Many bomb shelters are unsuitable for older persons, persons with disabilities or impaired mobility. In some of them, toilets are simple holes in the ground. In others, overcrowded and

unsanitary conditions enhance exposure to waterborne and infectious diseases, including COVID-19. As older persons are more susceptible to disease and infection, prolonged stays in unsuitable shelters can significantly undermine their health.

## Civilians confined in basements

20. In the first months of the armed attack, Russian armed forces sometimes confined civilians for weeks in basements, including those in the most vulnerable situations. In some cases, older persons died due to dire conditions in these basements. In the village of Yahidne in Chernihiv region, which was controlled by Russian armed forces from 3 to 31 March 2022, 360 residents, including children, persons with disabilities and older persons, were forced by Russian armed forces to stay for 28 days in the basement of a school they had been using as their base. The basement was extremely overcrowded and people had to sit for days without an opportunity to lie down. There were no toilet facilities, clean water or ventilation. As a result, 10 people died, all of whom were older persons.

## Evacuations

21. Older persons have been particularly at risk of injury or death during evacuations due to their impaired mobility and because authorities have often overlooked their specific needs and requirements. This reality, combined with low social pensions and other hurdles, has resulted in many older persons being unable or reluctant to leave dangerous areas. HRMMU has observed that most people remaining in conflict-affected areas are older persons.
22. Under international humanitarian law, the parties to the conflict must, to the maximum extent feasible, “endeavor to remove the civilian population, individual civilians and civilian objects under their control from the vicinity of military objectives”.<sup>33</sup> Additionally, an occupying Power that undertakes a temporary, total or partial evacuation of a given area must ensure “to the greatest practicable extent, that proper accommodation is provided to receive the protected persons.”<sup>34</sup> Internally displaced persons, including older persons and persons with disabilities, shall be entitled to protection and assistance required by their condition.<sup>35</sup>

### *In Government-controlled territory*

23. In 2013 and 2018, the Government adopted legislation overseeing evacuation procedures that mandated local authorities to draw up lists of people in vulnerable situations, inform them of

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<sup>33</sup> Art. 58(a) of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977; ICRC Study on Customary International Humanitarian Law, Rule 24.

<sup>34</sup> Art. 49 of Geneva Convention IV. An occupying Power may only undertake an evacuation if the security of the population or imperative military reasons so demand. See also Guiding Principles on Internal Displacement, Principles 6 and 7.

<sup>35</sup> Guiding Principles on Internal Displacement, Principle 4.



evacuation plans, and assess their specific needs.<sup>36</sup> However, the armed attack in February 2022 and the subsequent mass displacement have significantly disrupted the implementation of these evacuation plans. In March and April 2022, civilians fleeing conflict-affected areas in Government-controlled territory boarded trains and buses that were overcrowded and typically not physically accessible for older persons with mobility impairments and/or assistive devices such as wheelchairs or walkers. There was no space for such aids and older persons had to stand for long periods of time, especially as trains were often delayed due to missile strikes. HRMMU also documented that some older persons were unable to reach the train or bus stations. One internally displaced woman from Kharkiv, who evacuated by bus on 8 March 2022, reported leaving behind a 90-year-old neighbour as she could not help her reach the evacuation point. Another 75-year-old man who fled Mariupol before the city was besieged by Russian armed forces told HRMMU that he would not have been able to leave without his son's help.

24. The lack of suitable temporary shelters and social housing in Government-controlled territory has also prevented older persons from being evacuated promptly from areas affected by hostilities. In Nikopol, officials told HRMMU that they had to delay the evacuation of older persons who were living independently despite their impaired mobility until adequate housing could be found.

#### *In territory occupied by the Russian Federation*

25. Civilians who tried to evacuate from territory occupied by the Russian Federation faced delays and changes in evacuation routes as the parties sometimes agreed upon humanitarian corridors with very little notice. Older persons suffered disproportionately from these delays and changes, especially those with mobility and other challenges as they often did not have time to prepare and gather any assistive devices. In April 2022, in Kherson region, HRMMU observed older persons being carried by family members or transported in wheelbarrows. Those without relatives or acquaintances to assist them remained behind.
26. During the summer 2022, one of the main crossing points through the frontline was in Vasylivka, Zaporizhzhia region. People sometimes had to wait up to eight days before being allowed to cross due to long queues and processing delays. In addition to being directly exposed to shelling, many ran out of food or medication during the wait. According to interviews with representatives of NGOs, several older persons died from existing health conditions exacerbated by stress while queuing to cross the frontline.<sup>37</sup> Moreover, in October, when Vasylivka became the only crossing point between Government-controlled territory and occupied territory, Russian occupation authorities introduced stricter rules to cross, notably by requiring people to apply for permits.

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<sup>36</sup> Cabinet of Ministers Resolution No. 841 of 30 October 2013, <https://zakon.rada.gov.ua/laws/show/841-2013-%D0%BF#Text> (accessed on 6 April 2023); Cabinet of Ministers Resolution No. 282 of 18 April 2018, <https://zakon.rada.gov.ua/laws/show/282-2018-%D0%BF#n8> (accessed on 6 April 2023). These two resolutions were amended by Resolution No. 940 of 23 August 2022, <https://zakon.rada.gov.ua/laws/show/940-2022-%D0%BF#Text> (accessed on 6 April 2023).

<sup>37</sup> Between 2014 and 2020, deaths of older persons while waiting to cross the contact line were commonly reported.

These permits were usually only valid for one or two days and often expired before the people were able to cross.

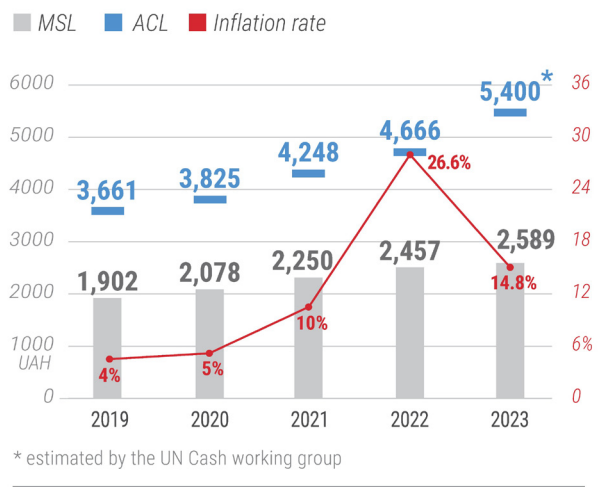
## VI. ECONOMIC, SOCIAL AND CULTURAL RIGHTS OF OLDER PERSONS

### Right to social security

27. In Ukraine, approximately 200,000 older persons have not contributed to the formal pension systems.<sup>38</sup> This is particularly the case of women due to discrimination in the formal labour market and unpaid care work throughout their lives. These older persons instead rely on non-contributory pensions, or “social pensions”, which were collected in person either through post offices or banks prior to 24 February 2022.<sup>39</sup>
28. Social pensions are based on the statutory minimum subsistence level set by the Government in its annual Budget Law (UAH 2,093, the equivalent of \$57).<sup>40</sup> Recent figures suggest that the current statutory minimum for people unable to work only covers approximately half the actual costs of living

#### Minimum subsistence level (MSL)

Social protection allowances, including social pensions, are based on the statutory MSL. The 2023 budget sets the MSL at approximately **half of the actual cost of living (ACL)** calculated by the Ministry of Social Policy in January 2022. The ACL has not been revised despite the inflation.



Creation Date: 5 May 2023 Source: OHCHR HRMMU

<sup>38</sup> See Ministry of Social Policy Budget Request for 2023-2025, <https://www.msp.gov.ua/files/budjet/2023/250%20%D1%84%D0%BE%D1%80%D0%BC%D0%B0%202.rtf> (accessed on 26 April 2023). To qualify for a full state contributory pension, a woman and a man must have respectively 30 and 35 years of contributions. As this requirement is very restrictive, only about one-third of the working-age population had contributed in 2019. ILO, *Future of the Ukrainian Pension System Adequacy, Coverage and Sustainability*, 2019, [https://www.social-protection.org/gimi/gess/RessourcePDF.action;jsessionid=vsmMj4oaJbU8-BgLJRAst\\_Xu3gL1ixOCocInoMzB\\_3sX825s8a6S!-1287977132?id=57734](https://www.social-protection.org/gimi/gess/RessourcePDF.action;jsessionid=vsmMj4oaJbU8-BgLJRAst_Xu3gL1ixOCocInoMzB_3sX825s8a6S!-1287977132?id=57734) (accessed on 3 October 2022).

<sup>39</sup> This is formally known as “temporary state social assistance to a non-working person who has reached the general retirement age, but has not acquired the right to a pension payment”, and provided for in Cabinet of Ministers Resolution No. 1098 of 27 December 2017, <https://zakon.rada.gov.ua/laws/show/1098-2017-%D0%BF#Text> (accessed on 6 April 2023).

<sup>40</sup> This subsistence minimum is determined by considering both the “value expression of the actual minimum needs of a citizen” and the need to avoid “creating an excessive burden on public finances”. National Council for the Recovery of Ukraine from the Consequences of the War, *Draft Ukraine Recovery Plan: Materials of the “Social protection” working group*, July 2022, [https://uploads-ssl.webflow.com/621f88db25fbf24758792dd8/62d822b37be57f79af6580c6\\_Social%20protection.pdf](https://uploads-ssl.webflow.com/621f88db25fbf24758792dd8/62d822b37be57f79af6580c6_Social%20protection.pdf) (accessed on 6 April 2023).

estimated by the Ministry of Social Policy in January 2022.<sup>41</sup> Since that date, despite inflation reaching 26.6 per cent, the Government has not revised the statutory minimum for 2023.<sup>42</sup> At current levels, social pensions do not cover basic living costs and therefore do not provide for minimum essential levels as required by the ICESCR.<sup>43</sup>

29. On 24 February 2023, the Government of Ukraine announced an indexed increase of 19.7 per cent (with a cap of UAH 1,500) for all contributory pensions.<sup>44</sup> This will result in an average increase of UAH 587 (approximately \$16) for the nine million Ukrainians who receive contributory pensions. Those on a minimum contributory pension will now receive approximately UAH 2,505 (approximately \$68) per month, which is still below the actual subsistence minimum. However, the increase does not affect social pensions, on which depend those who were restricted to low-paid jobs in the informal economy.

### *Access to pensions in conflict-affected areas, including occupied territory*

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*“The fear of dying from hunger was debilitating. We couldn’t believe our lives could end like that.”*

– Two older women who lived through one month of Russian armed forces’ control over their village in Chernihiv

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30. The Government has stated its intention to maintain pensions in all areas of Ukraine and continues to pay them into the bank accounts of all entitled persons, including those who registered as IDPs before 24 February 2022.<sup>45</sup> Nonetheless, older persons continue to face challenges collecting their pensions due to limited access to functioning banks and post offices in conflict-affected areas on both sides of the frontline. The hardship that they face is further exacerbated by the limited access that humanitarian organisations have to conflict-affected areas and occupied territory<sup>46</sup> and the high prices of all essential goods, notably food, resulting from supply chain issues.

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<sup>41</sup> World Bank, *Ukraine Rapid Damage and Needs Assessment*, August 2022, p. 94, <https://openknowledge.worldbank.org/handle/10986/37988> (accessed on 30 November 2022). The Ministry of Social Policy is obliged to carry out a monthly assessment of the actual costs of living, according to the Law of Ukraine on Subsistence Minimum N° 966-XIV from 15 July 1999, last amended on 1 January 2018. It last published such an assessment on February 2022.

<sup>42</sup> The annual Budget Law adopted in November 2022 did not revise the statutory subsistence level for 2023.

<sup>43</sup> CESCR, General Comment No. 19, para. 59.

<sup>44</sup> Government of Ukraine, *Information note on the results of pension recalculations from March 1, 2023*, 13 March 2023, <https://www.pfu.gov.ua/2156565-informatsijna-dovidka-pro-rezultaty-pererahunkiv-pensij-z-1-bereznya-2023-roku/> (accessed on 24 April 2023)

<sup>45</sup> Cabinet of Ministers Resolution No. 457 of 16 April 2022, <https://zakon.rada.gov.ua/laws/show/457-2022-%D0%BF#Text> (accessed on 6 April 2023).

<sup>46</sup> OCHA noted that humanitarian access in Ukraine significantly deteriorated after the start of the armed attack in February 2022, particularly in Russian-occupied territory. See OCHA, *Ukraine: Humanitarian Access*

31. Those living in occupied territory have not been able to withdraw their pensions or use their bank cards at ATMs as Ukrainian banks do not operate there.<sup>47</sup> Since cash withdrawals are only possible in Government-controlled territory, beneficiaries must cross the frontline at their own peril and expense to collect their pension. Moreover, in December 2022, the occupying authorities closed the Vasylivka checkpoint in Zaporizhzhia oblast, which was the last option for people to cross the front line.<sup>48</sup>
32. In areas of Ukraine over which Ukraine regained control, older persons reported being left with little to survive during the occupation by the Russian Federation. In Chernihiv region, in August 2022, two older women told OHCHR that all they had left to eat during the month of Russian occupation were potatoes. In Kherson, older persons were not able to access their pensions from March 2022 until Ukrainian armed forces regained control over parts of the region in November 2022. In Zalyzhnichne, in Kharkiv region, one person told HRMMU that his grandmother had no access to her social pension from the end of February until the Ukrainian armed forces regained control of the territory in September. She survived on the vegetables grown in her garden.
33. Many older persons living in occupied territory were also unable to travel to Government-controlled territory to renew their expiring bank cards. Furthermore, it could take between four to eight weeks for a new card to be issued, or longer due to ongoing power cuts caused by Russian shelling. In November 2022, to address the problem, the Central Bank urged all banks to extend the validity of expired bank cards.<sup>49</sup> The Oshadbank, the State savings bank of Ukraine, prolonged the validity of cards until 31 May 2023, and other banks also followed the recommendation.<sup>50</sup>
34. In the former self-proclaimed ‘republics’ of Donetsk and Luhansk, now occupied by the Russian Federation, older persons have faced considerable challenges in accessing their Ukrainian pensions for over eight years.<sup>51</sup> The escalation of hostilities since February 2022 has made it more difficult, if not impossible, for older persons to collect their pensions. There are currently no operational

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*Snapshot – February to December 2022, February 2023, at: <https://reliefweb.int/report/ukraine/ukraine-humanitarian-access-snapshot-february-december-2022> (accessed on 6 April 2023).*

<sup>47</sup> Many banks blocked their communication channels with the centralized national cash register system due to security concerns. Significant challenges in transporting cash to banks and ATMs also remain.

<sup>48</sup> LB.ua, *Russian Federation closes checkpoint in Vasylivka, Zaporizhzhia region*, 20 December 2022, [https://lb.ua/society/2022/12/20/539698\\_rf\\_zakrila\\_propuskniy\\_punkt.html](https://lb.ua/society/2022/12/20/539698_rf_zakrila_propuskniy_punkt.html) (accessed on 24 April 2023).

<sup>49</sup> National Bank of Ukraine, *The NBU, together with banks, is implementing an action plan to ensure the continuity of the banking system in the event of a prolonged power outage*, 24 November 2022, <https://bank.gov.ua/ua/news/all/natsionalniy-bank-razom-iz-bankami-vprovadjujut-plan-zahodiv-dlya-zabezpechennya-bezperernosti-roboti-bankivskoyi-sistemi-za-umov-trivaloyi-vidsutnosti-elektropostachannya> (accessed 6 April 2023).

<sup>50</sup> Oshadbank.ua, *Oshadbank has extended payment cards until May 31, 2023*, 12 December 2022, <https://www.oshadbank.ua/news/osadbank-prodovziv-diu-platiznih-kartok-do-31-travna-2023-roku> (accessed on 6 April 2023).

<sup>51</sup> In order not to lose their entitlement to a pension, beneficiaries had previously to register as IDPs in Government-controlled territory every 60 days. This requirement forced older persons to repeatedly cross the contact line, with the trip costing them as much as 50 to 80 per cent of their monthly social pension. In 2018, it was estimated that up to 600,000 older persons had lost their legal entitlement to a pension. These identification checks were suspended in 2020 due to movement restrictions imposed in response to the COVID-19 pandemic.

entry-exit checkpoints in Donetsk and Luhansk regions and since October the only way to cross the frontline has been through the Zaporizhzhia region.

35. In all occupied territory, following the illegal annexation on 5 October 2022,<sup>52</sup> older persons can register for Russian pensions, including social pensions, but only if they apply for Russian citizenship.<sup>53</sup> HRMMU notes with concern that residents who do not obtain Russian citizenship may be excluded from social security, including social pensions and health insurance schemes.<sup>54</sup> However, those who obtain Russian citizenship can expose themselves to criminal proceedings in Ukraine and face social exclusion in the future for being perceived as supporters of the Russian Federation. HRMMU recalls that an occupying Power has the obligation to ensure that the basic needs of the population are met and to provide it with medical care.<sup>55</sup>

*Displaced older persons' access to adequate non-contributory pensions and other benefits*

36. Although the Government has taken measures to ensure continued access to social assistance and provided additional support to IDPs,<sup>56</sup> HRMMU has documented both problems of access to, and inadequate levels of, social assistance. Regional authorities informed HRMMU that they face difficulties when assigning social pensions to displaced persons, notably because they often lack original documents and struggle to obtain replacement documents from offices located in areas of active hostilities or in occupied territory.
37. Like many other benefits indexed to the statutory subsistence minimum,<sup>57</sup> social pensions do not reflect increasing living costs, especially in western Ukraine, where the influx of IDPs has driven up rents (see next section). Moreover, older persons displaced from rural areas can no longer supplement their pensions with produce from their small parcels of land. The reliance on farms and gardens has deterred some older persons from fleeing conflict-affected areas. One older woman who had moved into the basement of her apartment building because of continuous shelling told HRMMU that she would not leave Hrakove, her village in Kharkiv region, because surviving on her pension alone, away from her farm, was simply impossible.
38. Older displaced persons are eligible for IDP assistance ranging between UAH 2,000 and 3,000 (\$54-81) per month.<sup>58</sup> However, HRMMU has observed that many displaced older persons have not registered for this assistance due to a lack of knowledge of relevant procedures and long queues

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<sup>52</sup> UNGA resolution ES-11/4 on “Territorial integrity of Ukraine: defending the principles of the Charter of the United Nations” of 13 October 2022.

<sup>53</sup> Article 14 of the Russian Federal Law No. 6-ФКЗ.

<sup>54</sup> See Federal Constitutional Laws of the Russian Federation No. 5-FKZ, 6-FKZ, 7-FKZ, 8-FKZ dd. 4 October 2022. Conditioning financial assistance on applying for Russian citizenship may be viewed as a violation of article 45 of the Hague Regulations, which forbids compelling the inhabitants of occupied territory to swear allegiance to the hostile Power.

<sup>55</sup> Arts. 55 and 56 of Geneva Convention IV and art. 69 of Additional Protocol I.

<sup>56</sup> Cabinet of Ministers Resolution No. 457 of 16 April 2022, <https://zakon.rada.gov.ua/laws/show/457-2022-%D0%BF#Text> (accessed 3 April 2023).

<sup>57</sup> This includes many of the non-contributory benefits awarded to persons with disabilities.

<sup>58</sup> Cabinet of Ministers Resolution No. 332 of 20 March 2022, <https://zakon.rada.gov.ua/laws/show/332-2022-%D0%BF#Text> (accessed 3 April 2023).



at overburdened in-person registration centres.<sup>59</sup> To facilitate access to social services, including IDP assistance, the Government adopted a resolution in July 2022 that allows persons who lack hard copies of ID documents to prove their Ukrainian citizenship with other documents, such as those from mobile applications or receipts proving they had applied for a national passport.<sup>60</sup> However, older persons often face difficulties registering online as IDPs due to the lack of access to smartphones or the Internet and low levels of digital literacy.<sup>61</sup>

## Right to adequate housing

39. Months of hostilities and the destruction of civilian infrastructure have uprooted millions of people in Ukraine. Cold temperatures and lack of access to adequate housing during the winter have further resulted in significant hardships, including life-threatening health complications, for the internally displaced and those who stayed in conflict-affected areas. International human rights law imposes on States the obligation to take all appropriate measures, to the maximum of their available resources, to ensure access to adequate housing, even in times of emergencies. These measures are also essential for addressing general conditions for the enjoyment of the right to life with dignity, which is non-derogable under the ICCPR.
40. Although HRMMU has limited findings on the housing situation in occupied territory, the massive destruction of housing and displacement of civilians indicate that the right to adequate housing has been gravely undermined, disproportionately impacting older persons who comprise most of those remaining in conflict-affected areas. Further, under international humanitarian law, the Russian Federation, as the occupying Power, has the obligation to meet the basic needs of the population in terms of shelter.<sup>62</sup>

### *Access to adequate housing in conflict-affected areas under Government control*

41. Since the start of the armed attack in February 2022, the right to adequate housing has been drastically impacted by extensive damage to people's homes. As noted above, those living in conflict-affected areas are disproportionately older persons. HRMMU has observed that many older persons are struggling to repair their homes due to a lack of money or the physical inability to make the repairs themselves. Older persons are also more prone to health complications from

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<sup>59</sup> According to a survey, 11 per cent of displaced older persons have not registered for IDP assistance, and nearly 40 per cent of older persons who are registered as internally displaced are not receiving their social benefits (IDP targeted assistance). Help Age International, *100 Days on: Millions of older people missing out in the response to the world's oldest humanitarian crisis*, 3 June 2022.

<sup>60</sup> Cabinet of Ministers Resolution No. 755 of 1 July 2022, <https://zakon.rada.gov.ua/laws/show/755-2022-%D0%BF#Text> (accessed on 20 December 2022).

<sup>61</sup> UN Women noted that "older people, the majority of whom are women, are often less mobile and less experienced in the use of technology; with less access to the Internet". *Rapid Gender Analysis of Ukraine*, 2022, <https://www.unwomen.org/en/digital-library/publications/2022/05/rapid-gender-analysis-of-ukraine> (accessed on 3 October 2022).

<sup>62</sup> Art. 69 of Additional Protocol I to the Geneva Conventions.



inadequate housing, notably the lack of heating. They are less able to cope with long periods of exposure to cold temperatures and have an increased risk of hypothermia.<sup>63</sup>

42. The series of Russian missile strikes targeting critical energy infrastructure since October 2022 have severely impacted those in the most vulnerable situations. Although the Government implemented a moratorium on increasing the price of utilities, including heating, water and gas,<sup>64</sup> many among the most vulnerable rely on hard fuel such as wood and coal. The price of hard fuels has increased by 80 per cent compared to 2021,<sup>65</sup> disproportionately affecting those on low incomes, notably older women living alone.
43. The lack of electricity has also made it difficult for those with mobility issues who are dependent on elevators to leave their apartments. This in turn has prevented them from accessing medication, food and the “points of invincibility” set up by the Government to provide heating, electricity and water to those without power.<sup>66</sup>
44. The Government has adopted a procedure for local authorities to undertake urgent repair works to houses damaged as a result of the hostilities.<sup>67</sup> However, there are no provisions prioritising people in vulnerable situations such as older persons. In one case, in Chernihiv region, an older woman told HRMMU that local authorities had provided her with replacement windows, but without assistance to install them or to repair the extensive structural damage to the walls and roof of her house, she had to continue living at her neighbour’s house. HRMMU notes that older persons should participate actively in the formulation and implementation of policies and decisions affecting them.<sup>68</sup> Failure to solicit their views often results in their needs being overlooked.

#### *Access to adequate and affordable housing for IDPs*

45. HRMMU acknowledges that the responsibility of providing adequate housing solutions for older persons is complicated by a number of factors, including the sheer number of displaced persons, the ongoing hostilities, the poor conditions of existing infrastructure, and the repeated attacks of the Russian Federation on energy supply objects which threaten the basic needs of the entire civilian population. In this regard, the CESCR emphasized that international cooperation is an obligation of all States under articles 55 and 56 of the Charter of the United Nations and the

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<sup>63</sup> National Institute of Health, *Hypothermia: A Cold Weather Risk for Older People*, 16 January 2009, <https://www.nih.gov/news-events/news-releases/hypothermia-cold-weather-risk-older-people> (accessed 6 April 2023).

<sup>64</sup> Law 2479-IX “On the peculiarities of regulating relations in the natural gas market and in the field of heat supply during martial law and further restoration of their functioning”, <https://zakon.rada.gov.ua/laws/show/2479-IX#Text> (accessed on 3 April 2023).

<sup>65</sup> IOM, *Ukraine: Solid Fuel Assessment January 2023: Round 4*, January 2023, [https://mcusercontent.com/5e98e89a623f4994f9c857468/files/f930dfbb-0eab-7792-667b-bd9bad88bb1c/Solid\\_Fuel\\_Assessment\\_Report\\_Round\\_4.pdf](https://mcusercontent.com/5e98e89a623f4994f9c857468/files/f930dfbb-0eab-7792-667b-bd9bad88bb1c/Solid_Fuel_Assessment_Report_Round_4.pdf) (accessed 28 March 2023).

<sup>66</sup> Cabinet of Ministers Resolution No. 1401 of 17 December 2022, <https://zakon.rada.gov.ua/laws/show/1401-2022-%D0%BF#Text> (accessed 6 April 2023).

<sup>67</sup> Cabinet of Ministers Resolution No. 473 of 19 April 2022, <https://www.minregion.gov.ua/napryamki-diyalnosti/building/normatyvno-pravove-regulyuvannya-pytan-obstezhennya-ta-vykonannya-pershochergovyh-robit-z-vidnovlennya-poshkodzhennyh-obyektiv/> (accessed on 6 April 2023).

<sup>68</sup> CESCR, General Comment No. 6, para. 5.

provisions of the ICESCR. This obligation is particularly incumbent upon all those States which are in a position to assist others. International cooperation and assistance are essential to help Ukraine meet its core obligations under the right to adequate housing and other economic and social rights.<sup>69</sup>

46. Since February 2022, the Ukrainian authorities have deployed considerable efforts to find shelter solutions for IDPs. In March 2022, for instance, the Government adopted measures allowing collective centres to receive State contributions for utility costs.<sup>70</sup> However, HRMMU has observed that collective centres often consist of one large room with mattresses on the floor, unsuited for prolonged stays, especially for older persons with mobility problems. Moreover, such centres are often overcrowded, which increases the exposure of older persons to tuberculosis and other infectious diseases such as COVID-19.
47. Nonetheless, due to the limited availability of affordable and adequate housing, many older IDPs have been accommodated in these shelters for long periods of time, sometimes for over a year. Some have been institutionalised in nursing homes even though they lived independently before their displacement, while others have returned to conflict-affected areas. In a few cases, older persons were denied temporary accommodation in shelters due to their physical condition. Volunteers running one emergency housing centre told HRMMU that they had to refuse people with severely limited mobility because they would have been unable to move them to a shelter in case of air strikes.
48. With no legislation limiting rent increases, the influx of IDPs moving westward has led to significant increases in rental prices. Thus, many older persons on social pensions cannot afford to rent private accommodation. A 66-year-old displaced woman told HRMMU that rents in Dnipro were so inflated that she could not leave the collective centre where she and 50 other IDPs slept on floor mattresses. In some regions, local authorities and humanitarian organisations are providing cash grants to help people with rental costs. However, this type of assistance is not sustainable and may contribute to further increasing rents.
49. In April 2022, the Government adopted Decree No. 495, allowing local authorities to purchase property and construct temporary housing for IDPs. However, there are no specific requirements to make such housing suitable and accessible for older persons and persons with disabilities.<sup>71</sup> HRMMU also observed that housing for IDPs has often been built far from services on which older persons disproportionately depend, such as banks, health facilities, and social security offices. Moreover, applicants must possess an IDP certificate to qualify for this housing, and many older persons have not been able to register as IDPs, as outlined in the previous section. One regional authority informed HRMMU that only 7 per cent of those who applied for temporary

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<sup>69</sup> CESCR, General Comment No. 3, para. 14.

<sup>70</sup> Cabinet of Ministers Resolution No. 261 of 11 March 2022, <https://zakon.rada.gov.ua/laws/show/261-2022-%D0%BF#Text> (accessed 6 April 2023).

<sup>71</sup> Cabinet of Ministers Decree No. 495 of 29 April 2022 “Some measures to form housing funds intended for temporary residence of internally displaced persons”, <https://zakon.rada.gov.ua/laws/show/495-2022-%D0%BF#Text> (accessed 6 April 2023).

housing between March and September 2022 were older persons, even though 20 per cent of IDPs are older persons.<sup>72</sup>

## Right to health

50. Under international human rights law, everyone has the right to health. Under the ICESCR, States must take steps to ensure, at the very least, access to essential health services, including medication,<sup>73</sup> even during crisis situations. Moreover, an occupying Power must maintain health services, allow medical personnel to carry out their duties and ensure the population has medical supplies.<sup>74</sup> HRMMU has observed that older persons' enjoyment of the right to health has gravely deteriorated since 24 February 2022. Due to low social pensions and higher healthcare needs, they have been disproportionately affected by the damage, destruction, occupation, and looting of healthcare facilities, and by power cuts.<sup>75</sup>
51. Despite a recent health reform designed to guarantee free access to health services,<sup>76</sup> HRMMU has continued to receive reports of people paying for medical treatment, including for conflict-related injuries. In Kharkiv, a 66-year-old man told HRMMU that he broke his hip running into a basement during shelling and could not afford to pay 4,000 dollars for the needed hip surgery.
52. Moreover, despite the adoption in March 2022 of a decree requiring all medical services to provide primary and emergency medical care to all persons, including IDPs, for the period of martial law,<sup>77</sup> HRMMU has received reports of health personnel discriminating against displaced persons, charging fees for certain medical services or suggesting that they travel to other facilities for treatment, which can be particularly challenging and costly for older persons.
53. Although Ukraine adopted in 2017 the "Affordable Medicines Programme", an outpatient reimbursement scheme to improve access to prescription medicines, HRMMU has found that older persons spend a significant amount of their pension on medication for chronic health conditions. A 70-year-old woman living in Chernihiv region told HRMMU in August 2022 that she spends about a third of her monthly social pension (700 out of 2,200 UAH) on essential medication, and must forego medication for pain relief in order to buy firewood and other basic necessities. Access to this programme has been further limited by unreliable mobile and internet

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<sup>72</sup> IOM Ukraine, *Internal Displacement Report General Population Survey Round 11, 25 November - 5 December 2022*, <https://displacement.iom.int/reports/ukraine-internal-displacement-report-general-population-survey-round-11-25-november-5> (accessed 6 April 2023).

<sup>73</sup> CESCR, General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12), 11 August 2000, E/C.12/2000/4.

<sup>74</sup> Arts. 55-56 of Geneva Convention IV.

<sup>75</sup> From 24 February 2022 to 28 February 2023, HRMMU documented damage, destruction, looting and occupation to 336 medical facilities. IHL prescribes that hospitals shall be protected at all times during armed conflict and not be objects of attack.

<sup>76</sup> Art. 10(7) of Law No. 2168-VIII on "State financial guarantees of medical services to the population" prohibits charging citizens for health services. Based on Cabinet of Ministers Resolution No. 1101 of 27 December 2017, <https://zakon.rada.gov.ua/laws/show/1101-2017-%D0%BF#Text> (accessed on 6 April 2023), the National Health Service of Ukraine ("NSZU") can examine complaints concerning all issues that relate to the provision of medical services, including being charged for health services.

<sup>77</sup> Ministry of Healthcare Decree No. 496 of 17 March 2022.

network connections and frequent power cuts caused by Russian strikes on energy infrastructure. Without functioning communication networks, primary healthcare service providers cannot transmit digital prescriptions to patients and pharmacies cannot verify the patients' eligibility.

#### *Access to healthcare in conflict-affected areas*

54. Older persons who remain in conflict-affected areas often cannot access health services and medication. Many health professionals have fled these areas, making it harder to access a doctor or receive specialised services. Many pharmacies have closed, been looted, or are not equipped with sufficient medication. Many older persons therefore rely on volunteers for assistance. A registered volunteer in Kharkiv region told HRMMU that many of the older persons he assists suffer from serious illnesses and need costly pain relief such as morphine.
55. In occupied territory, restrictions on freedom of movement hindered people's access to health services. In Balakliya, Kharkiv region, controlled by Russian armed forces and affiliated armed groups until September 2022, HRMMU documented that patients receiving treatment for cancer and rare diseases were occasionally allowed to leave the town to receive treatment in Kharkiv. However, from 8 May 2022, all checkpoints around Balakliya were closed and no medical supplies could enter the city. HRMMU also documented that checkpoints established by Russian armed forces while they controlled areas of Kherson region from March to October 2022, obstructed people's access to medical assistance. Local residents, notably older persons with diabetes, were not allowed to leave their village to obtain medication.<sup>78</sup> Some older persons reportedly died as a result.

## VII. CONCLUSION AND RECOMMENDATIONS

56. Already into its second year, the armed attack by the Russian Federation continues to exert a heavy toll on older persons' enjoyment of their human rights across Ukraine. Due to various difficulties, many older persons are unable or reluctant to leave conflict-affected areas, despite significant threats to their safety, health, and wellbeing. Many of those who are displaced or remain in conflict-affected areas live in degrading conditions. Often, they are also unable to access their pensions and have no other forms of income to cover living costs.
57. HRMMU calls upon the Russian Federation to immediately cease its armed attack and withdraw its armed forces from Ukraine within its internationally recognized borders. As a duty-bearer in the territory it occupies, in accordance with applicable international law, the Russian Federation must also take measures to ensure that the rights to life, health, and an adequate standard of living

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<sup>78</sup> While restrictions in movement may be justifiable under international humanitarian law, the occupying Power must ensure medical supplies for the population: arts. 55 and 59 of Geneva Convention IV and art. 69 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977.

of all residents, including older persons, are respected and fulfilled. To meet this obligation, access to essential services should not be conditioned upon obtaining Russian citizenship.

58. The armed attack has also significantly undermined the ability of Ukraine to respect, protect and fulfil the economic, social and cultural rights of older persons. Despite significant resource constraints, it is important for the Ukrainian Government to protect the most vulnerable and ensure minimum essential levels of each social, economic and cultural right. This includes taking into account and prioritising the specific needs of older persons when organizing evacuations, securing long-term adequate accommodation for displaced people, and guaranteeing access to state financial assistance, including social pensions and other allowances.
59. Should the Government lack the resources to ensure minimum essential levels, both the international community and individual States' cooperation and assistance are essential to help Ukraine to respect, protect and fulfil human rights. This is key in protecting everyone's right to life, and in building an inclusive society that ensures dignified lives, freedom from poverty and equality, and resilience to future interlinked crises.
60. HRMMU urges the Governments of the Russian Federation and Ukraine to implement the following recommendations:
  - a. **Fully comply with their obligations under international humanitarian law and international human rights law, including in relation to older persons;**
  - b. **Facilitate civilians' ability to evacuate or access essential services by, inter alia, ensuring humanitarian corridors for the movement of civilians, with priority given to those most vulnerable, including older persons;**
  - c. **Seek and facilitate the genuine participation of older persons and groups representing their interests in the formulation and implementation of policies and decisions affecting them;**
61. To the Russian Federation:
  - d. **Immediately cease the armed attack that commenced on 24 February 2022 in the territory of Ukraine and fully comply with the binding order on provisional measures issued by the International Court of Justice on 16 March 2022;**
  - e. **Take measures to guarantee access to social security, adequate housing and healthcare in the territory of Ukraine it occupies, in accordance with applicable international law, without requiring Russian citizenship, and paying particular attention to the specific needs of older persons and groups in situations of vulnerability;**
  - f. **Ensure that older persons and groups in situations of vulnerability are prioritized in plans to deliver supplies in conflict-affected areas and in evacuation plans that conform with international law;**

- g. As an immediate measure and until needs are fully met, allow humanitarian organizations access to occupied territory;**
- h. Allow OHCHR and other independent monitors access to occupied territory in order to monitor and report on the human rights situation of residents, including those in vulnerable situations;**
- i. Strengthen cooperation and prompt exchange of information with OHCHR by establishing and guaranteeing dedicated communication channels;**

62. To the Government of Ukraine:

- j. Facilitate access to affordable housing by enacting rental price controls;**
- k. Require the Ministry of Social Policy to periodically calculate and make public the actual subsistence minimum level in accordance with objective indicators reflecting the real cost of living, as set out in the Law on Subsistence Minimum;**
- l. Ensure that older persons, notably those without digital skills, have access to social security benefits, including social pensions and IDP assistance, by reducing burdensome administrative requirements and registration processes, and maintaining an adequate number of in-person registration centres, possibly equipped with mobile teams;**
- m. Provide local authorities with clear guidelines and adequate resources to implement Decree 495 on IDP housing and develop standards under this Decree to ensure the availability of adequate housing for older persons;**
- n. Require local authorities to prioritise the housing repairs of persons in vulnerable situations, especially older persons, and seek additional international assistance for expanding suitable social housing options for older persons and groups in vulnerable situations;**
- o. Ensure that medical services provide primary and emergency medical care to all persons, including IDPs, for the period of martial law, as stated in Decree No. 496 of the Ministry of Health;**
- p. Raise awareness about the dangers of mines and ERW in conflict-affected areas and promptly clear them from all areas over which the Ukrainian Government has regained control;**

63. To the international community, including humanitarian actors, donors and international financial institutions:

- q. Take steps to ensure that older persons are fully taken into account and supported through assistance and reconstruction programmes;**
- r. Support the Government of Ukraine in strengthening the national social protection system and ensuring that it reaches those in the most vulnerable situations;**



- s. Carry out a human rights impact assessment of current and planned economic reforms, including reconstruction plans, in line with the *Guiding Principles on Human Rights Impact Assessments of Economic Reforms* to ensure that any conditionalities attached to loan agreements do not undermine the right to social security, especially for older persons;**
- t. Assist the Government of Ukraine to meet its obligations under the ICESCR, and ensure that financial assistance is used to raise the statutory minimum subsistence level so that social security benefits match the current cost of living;**
- u. Support economic and other reforms, including rental price controls, that facilitate access to adequate and affordable housing for internally displaced persons, including older persons and persons with disabilities.**