**Submission to inform the Report of the Independent Expert on the enjoyment of all human rights by older persons**

**On the subject of Ageism and Age-Discrimination**

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| The present submission is prepared by the Eastern European Coalition for LGBT+ Equality[[1]](#footnote-1) and is based on an analysis of the situation in Armenia, Georgia, Moldova, Russia, and Ukraine.  |

Senior LGBT/QI people are one of the most vulnerable and invisible social groups both globally and in Eastern Europe in particular. According to the UN Independent Expert on Sexual Orientation and Gender Identity, there is an overwhelming lack of data looking at senior LGBT/QI people's lived realities[[2]](#footnote-2) . On a global scale, there is also very little funding dedicated directly to working with this group[[3]](#footnote-3). At the same time, what little information is available often tells a story of isolation, lack of relevant services and access to them, and ensuing poor physical and mental health outcomes.[[4]](#footnote-4)

Most LGBT/QI organizations in the Eastern Partnership countries and Russia lack access to senior community members among their constituencies (the majority of beneficiaries being under 50) - a tendency that can partially be explained by the extremely secluded life that individuals born and raised in the Soviet Union led. Repressive political climate, criminalization of consensual same-sex relations between men, as well as general tradition of pathologizing diverse sexualities, gender identities and expressions in Soviet times, coupled with high level of public stigma forced community members to mobilize underground depriving them of possibilities to form political movements and effectively fight for social justice. These historical circumstances and negative lived experiences of the senior LGBT/QI people in the region added to fear of further marginalization and loss of social status, force many older community members into continued seclusion even today.

Activists from Moldova and Georgia provided some examples of discrimination against senior LGBT/QI people, pointing, for instance, at disproportionate invisibility of older lesbian and bisexual women. Thesе examples may be few, but they showcase areas for further exploration to uncover possible systemic problems.

Our colleagues in Moldova report that ageism towards older gay men is most often manifested in their places of residence. During the last three years, the organization documented several cases of older gay men (71-74 years old) verbally attacked by their neighbors. Verbal aggression, which included references both to the age and sexual orientation of victims, is regrettably also used by children, who mimic their parents' and adult family members' rhetoric and behavior.

A seemingly less frequent but no less humiliating manifestation of ageism intersecting with homophobia towards elderly gay men in Moldova is their exclusion from the collectives, to which, they have dedicated their lives. Often, companies and professional collectives invite retired workers to various anniversaries, deliver gifts for the holidays, and send birthday congratulations. However, on occasion, they fail to include individuals who are openly gay. For example, a soloist of one of the vocal-instrumental ensembles in Moldova was excluded from the complete list of musicians who had worked for the ensemble throughout the years and was left out of their anniversary celebration.

Based on other examples we have, it is clear that negative attitudes towards older gay men and trans people are also widespread in the healthcare field. We find information that points to this tendency in the 2020 report by the UN Independent Expert on Sexual Orientation and Gender Identity, where the Expert, based on inputs from different countries, states that older LGBTR/QI people are reported to be" less likely than their peers to reach out to health and ageing services providers, such as senior or meal centres, because of fear of discrimination and harassment, or because of costs that are prohibitive."[[5]](#footnote-5) Similarly, according to information from Moldova, some clinic workers use disrespectful language towards older LGBT/QI people (gay men in particular), which is why they either delay or choose not to seek medical assistance and in many cases try not to disclose their sexual orientation and gender identity when possible.

Ageism in employment branches where LGBT/QI people are overrepresented, such as blue-collar jobs, service, and entertainment field, is another important problem aggravated by homo/bi/transphobia. On the one hand, there is a tendency of job announcements exclusively targeting younger individuals across the region, and on the other hand, age may be used as an excuse to dismiss (or not hire) a person because of their real or assumed sexual orientation and/or gender identity.

While age discrimination is explicitly prohibited by law in the five countries reviewed here, lack of legal literacy among older generations, as well as the LGBT/QI people's general mistrust towards the state institutions, disincentivizes senior community members to seek justice. At the same time, there is an overwhelming lack of understanding that tackling the problem of age discrimination is often related to the multiple and intersecting forms of violence and discrimination, and the efficiency of tackling this challenge is in high correlation with the efforts undertaken to overcome sexism, racism, xenophobia, homo/bi/transphobia, ableism and other forms of intolerance in the society.

Aging presents particular challenges for trans and gender non-conforming people, who, due to stigma as well as lack of swift, transparent and accessible procedures of legal gender recognition and transition services, live in a vicious cycle of precariousness. The numerous obstacles faced by trans individuals impact their access to education and employment opportunities, resulting in higher rates of socio-economic exclusion and homelessness. Activists from Georgia reported two examples of trans individuals living in deep poverty and isolation because of the intersection of their age and stigma connected to their gender identity. In one of those cases, a senior trans man with prolonged experience of homelessness and in need of holistic rehabilitation services related to overcoming alcohol dependency and proper SOGIESC-sensitive shelter passed away due to adverse health conditions, without ever managing to improve his life. This example shows that complex services related to long-term care and rehabilitation can hardly be shouldered by civil society organizations as they require resources and infrastructure only available to the State institutions.

All the examples listed above play out in the context of loneliness and isolation, which is quite typical for many LGBT/QI people, especially in older age. As the UN Independent Expert on Sexual Orientation and Gender Identity states in his 2020 report," family rejection and limitations in the recognition of certain forms of families, and limited access to assisted reproduction techniques, mean that often older LGBT and gender-diverse people are more likely to rely on chosen family for caregiving support. These factors combined can leave older LGBT and gender-diverse people in precarious situations with regard to housing security and can increase the likelihood of the need for formalized social care."[[6]](#footnote-6) It must be noted that isolation became even more problematic during the Covid-19 pandemic that severely affected the lives of older people around the world.

The issue of intersection between SOGIESC-related aspects of one's identity with age discrimination is also relevant for those community members that are currently aging and have not reached the retirement age. Unfortunately, during the last three decades, neither rights of older persons, nor the rights of LGBT/QI people across the Eastern Partnership countries and Russia, have undergone significant improvements that would tangibly reflect upon their lived realities.

The situation is dire from the socio-economic perspective when it comes to pensions and benefits for older persons in general and those who also represent marginalized communities, in particular. Despite recent pension reforms that make both contribution-based schemes and age-related pensions available, the pension systems across the region are tied to one's ability to prove employment[[7]](#footnote-7). Funded pension schemes are (and will continue to be) available to individuals with a specific number of employment years, including the self-employed individuals, that have, for example, registered as independent entrepreneurs and officially contributed to the pension fund. This, however, leaves many LGBT/QI people out, as the Independent Expert on Sexual Orientation and Gender Identity explains in his 2019 report," discrimination in employment can mean that LGBT individuals have contributed less to pension schemes and therefore have less income later in life. Individuals might not be eligible to the pension entitlements of same -sex partners, which could leave them unable to pay their rent or mortgage and lead to evictions. They might not be able to legally leave property to a surviving partner, and surviving partners might not be able to remain in public housing following a partner's death."[[8]](#footnote-8) Thus while, senior LGBT/QI people may often not have access to funded pension schemes, the age-related pension levels across the region are far from enough when it comes to covering monthly expenses, especially in light of the current economic crisis prompted by the Covid-19 pandemic.

There are also certain indicators that can predict the possible conditions of older LGBT/QI persons in the region in the near future. Looking at the survey on the socio-economic exclusion of LGBT people in Georgia, prepared by Social Justice Center, we see that close to" half of the respondents (42.5%) mentioned the inability to pay tuition fees as a barrier to higher education. More than one-fifth of the employed respondents (22.3%) work two jobs at the same time, which in the case of 88.9% of respondents is due to low wages. For 82% of respondents, wages are only enough to buy food, clothes, and household items, evidencing that wages in Georgia are not adequate and cannot ensure an adequate quality of life. 63% of respondents have to borrow money to even cover daily expenses, 31.7% have to do so for food, and 25.9% for renting an apartment."[[9]](#footnote-9) At the same time, when it comes to trans people" the employment barrier is the requirement set by the employers, which obliges the candidates to submit personal documents".[[10]](#footnote-10) Many trans women, in particular, have to support themselves through sex-work, which also presents age-related limitations, along with heightened risks of violence and discrimination. The same survey from Georgia reports that 18.4% of respondents were/are involved in commercial sex work, out of which 82.4% were trans people. For majority of those respondents, sex work was the main source of income and difficult economic situation including poverty and debt is the main reason for involvement in this occupation.

Looking at these numbers, it is highly unlikely that individuals that are employed in low-income fields (often without a contract), do not earn enough to keep a savings account, and accumulate debt will have the possibility to own a house/apartment. Moreover, their ability to pay monthly rent will deteriorate with the decline of employable age and become close to nonexistent by the time of retirement. Additional constraints related to the recognition of same-gender relationships exclude LGBT/QI individuals from the possibility of purchasing property together or sharing insurance. These conditions make for a very difficult and vulnerable old age. It must be noted, that while data presented in the previous paragraph pertains to the experience of LGBT/QI community in Georgia, the situation is not unique to this one country, and it can be assessed that many LGBT/QI people face similar challenges across the five States examined here.

Since the problems described above require a comprehensive approach, we believe that more resources and attention need to be allocated to this area of work by civil society organizations especially considering repressive environments, where LGBT/QI people generally can only rely on community-based organizations and service providers from the NGO sector. At the same time, the governments in the Eastern Partnership countries and Russia need to develop a deeper understanding of multiple and intersecting forms of discrimination affecting older adults, including senior LGBT/QI people. Furthermore, this intersectional perspective needs to be operationalized and integrated both in policy and practice.

States need to develop a strategic vision of long-term care that includes a practical dimension of development and modernization of available services with the addition of new ones. This includes improvements in current care facilities, exploring efficient alternatives to institutionalization, increasing incentives for nursing care staff to engage with the profession, provide them with education and training based on modern standards, as well as increasing the number of social workers involved in assisting older adults. All these efforts need to be combined with an intersectional approach and consideration for the needs of older adults with experience of multiple and intersecting forms of discrimination. The service providers mentioned above need to be trained and educated on issues of gender and LGBT/QI people's rights and given practical tools of ethically working with these vulnerable communities.

While the states acknowledge to varying degrees that the current pension levels are insufficient, and all the EaP countries have shifted to newer pension systems, we assess that the interests of groups involved in long-term precarious labour are missing, leaving most of them with age-related pensions, which are significantly lower. Thus governments need to ensure that the pension reform" effectively addresses the risks of old-age poverty," [[11]](#footnote-11) including coverage of the most marginalized segments of society with long-term experience of poverty and unemployment or involvement in the informal economy.

In conclusion, we acknowledge that there is a lack of comprehensive empirical data on the subject of rights of senior LGBT/QI people across the Eastern Partnership countries and Russia, making it difficult to answer questions pertaining to the present call for submissions in greater detail. We would, however, still like to call for a mention of the rights of the older LGBT/QI people in the Independent Expert's upcoming report, with reference to some information that we shared.

1. The Coalition was founded in 2014 and unites following organizations: Pink (Armenia), WISG (Georgia), Genderdoc-M (Moldova), Insight (Ukraine), Gay Alliance Ukraine and the Russian LGBT Network. [↑](#footnote-ref-1)
2. <https://undocs.org/A/74/181> [↑](#footnote-ref-2)
3. <https://globalresourcesreport.org/wp-content/uploads/2020/05/GRR_2017-2018_Color.pdf> [↑](#footnote-ref-3)
4. <https://undocs.org/A/75/258> [↑](#footnote-ref-4)
5. <https://undocs.org/A/75/258> [↑](#footnote-ref-5)
6. <https://undocs.org/A/75/258> [↑](#footnote-ref-6)
7. <https://ec.europa.eu/info/sites/info/files/economy-finance/dp131_en.pdf> [↑](#footnote-ref-7)
8. <https://undocs.org/A/74/181>

 [↑](#footnote-ref-8)
9. <https://socialjustice.org.ge/en/products/lgbtk-jgufis-sotsialuri-ekskluziis-kvleva-sakartveloshi> [↑](#footnote-ref-9)
10. Ibid [↑](#footnote-ref-10)
11. <https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/39/50/Add.1> [↑](#footnote-ref-11)