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**ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Women and adequate housing**

**Report by the Special Rapporteur on adequate housing as a  
component of the right to an adequate standard of living,  
and on the right to non-discrimination, Miloon Kothari\***

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\* In accordance with paragraph 8, section B, of General Assembly resolution 53/208, the reason for the late submission of this report is the need to reflect the latest information.

## Summary

In its resolution 2002/49 on “Women’s equal ownership of access to and control over land and the equal rights to own property and to adequate housing”, the Commission entrusted the Special Rapporteur with the task of reporting specifically on women and adequate housing. This final report of the Special Rapporteur on the issue aims at encompassing the main findings stemming from thematic research, country missions, regional civil society consultations and information received from Governments and other actors on the status and implementation of women’s right to adequate housing as from 2002 until today (see also previous reports: E/CN.4/2003/55 and E/CN.4/2005/43). Using an indivisibility of human rights approach, the Special Rapporteur presents an analysis of several identified obstacles to the effective realization of housing rights for women including homelessness among women, such as violence against women, discriminatory cultural and social norms and family or personal laws, multiple discrimination, privatization and unaffordability of housing for women, and the impacts of natural disasters, forced evictions and HIV/AIDS on women.

The Special Rapporteur concludes that there continues to be a need for States to strengthen national legal and policy frameworks for protecting women’s rights to adequate housing, land and inheritance, and provide avenues for redress where violations occur. He addresses the need to bridge the gap between legal and policy recognition of women’s right to adequate housing and implementation by States of national programmes to execute the legal and policy framework, including supporting initiatives by civil society groups to the same end.

As indicated by testimonies and other information received, there is a culture of silence regarding the prevalence of violations across the world of women’s right to adequate housing and land. Adding to his recommendations to States, the United Nations and civil society actors contained in previous reports on the issue, the Special Rapporteur presents specific suggestions on how to ensure the elaboration of gender-sensitive housing policies and legislation, taking into account the situations of specific groups of women who are at particular risk of being victims of housing rights violations, such as female-headed households, women from ethnic and national minorities and women in conflict or post-conflict situations. The recommendations include the adoption by the Committee on the Elimination of Discrimination against Women (CEDAW) of a general recommendation on women’s right to adequate housing and land; the harmonization at the national level between provisions in international human rights instruments and Islamic law on inheritance and property; the development of gender-sensitive housing policies and legislation; for States to act with due diligence to prevent, investigate and punish acts of violence against women; for States to ensure women’s access to legal redress and the introduction of laws on domestic violence that include provisions to protect women’s right to adequate housing. With respect to post-disaster situations, the Special Rapporteur also emphasizes the importance of States, donors and NGOs ensuring that women are able to participate and benefit equally from reconstruction efforts.

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## Introduction

1. In its resolution 2000/9, establishing the mandate of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, the United Nations Commission on Human Rights explicitly requested the Special Rapporteur to apply a gender perspective in his work. In its resolution 2002/49 on “Women’s equal ownership of access to and control over land and the equal rights to own property and to adequate housing”, the Commission entrusted the Special Rapporteur with the additional task of preparing a report on women and adequate housing for consideration at its fifty-ninth session (E/CN.4/2003/55). Resolution 2003/22 on the same issue requested a report for its consideration at the sixty-first session (E/CN.4/2005/43) and resolution 2005/25, the present final report for its sixty-second session.

2. In order to fulfil the tasks entrusted him, the Special Rapporteur has integrated a gender perspective in all the monitoring and reporting dimensions of his mandate, including: the annual reports to the Commission; global advocacy; country missions; communications and in working with treaty bodies and other special procedures, United Nations agencies and programmes and civil society. In addition, the Special Rapporteur has developed specific strategies for collecting information from States and civil society groups including elaborating and disseminating a questionnaire on women and adequate housing<sup>1</sup> and conducting regional consultations with grass-roots and civil society groups, combined with capacity-building training programmes.

3. In October 2002, the United Nations Human Settlements Programme (UN-Habitat), in cooperation with the Office of the High Commissioner for Human Rights (OHCHR), organized an African regional civil society consultation under their joint United Nations Housing Rights Programme, which brought together grass-roots women’s and civil society organizations from, or covering, Eritrea, Kenya, Rwanda, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe. Commission resolution 2003/22 specifically encouraged the holding of further regional consultations on the issue.

4. With the support from the Office of the High Commissioner for Human Rights, United Nations agencies and programmes and non-governmental organizations, regional civil society consultations have since 2002 been organized for the Special Rapporteur as follows:

- The Asia Regional Consultation on the Interlinkages between Violence against Women and Women’s Right to Adequate Housing (Delhi, India, October 2003);
- The Latin America and Caribbean Regional Consultation on Women and Adequate Housing (Mexico City, Mexico, December 2003);
- The Middle East and North Africa Regional Consultation on Women’s Right to Adequate Housing and Land (Alexandria, Egypt, July 2004);
- The Pacific Regional Consultation on Women’s Right to Adequate Housing and Land (Nadi, Fiji, October 2004);

- The North American Regional Consultation on Women and the Right to Adequate Housing (Washington D.C., October 2005); and
- The Central-Asia/Eastern Europe Regional Consultation on Women's Right to Adequate Housing - the interlinkages between multiple discrimination and women's right to adequate housing (Budapest, November 2005).<sup>2</sup>

5. The present final report of the Special Rapporteur outlines the main findings stemming from thematic research, country missions, regional consultations and responses to the questionnaire. While the main outcome of his work is encapsulated in reports to the Commission, the full and impressive wealth of testimonies and information received cannot be adequately reflected in one report. The Special Rapporteur believes a more extensive publication should present the information and findings based on the research and activities undertaken globally since 2002, highlighting: thematic issues; a comparative analysis of the status of women's right to adequate housing at the regional level and selected testimonies and case studies stemming from regional consultations.

6. The present final report is divided into four sections. Section I describes the work to date of the Special Rapporteur on women's adequate housing particularly with respect to promoting the implementation of the legal framework for the protection of women's right to adequate housing and the regional and national progress in this regard. Section II outlines the thematic findings from the Special Rapporteur's work, including selected issues such as violence against women, discriminatory cultural and social norms and family or personal laws, segregation, privatization of housing for women, homelessness and the impacts of natural disasters, forced evictions, and HIV/AIDS on women, highlighting regional similarities and differences. Section III concludes with legal and policy recommendations for States, United Nations bodies and agencies and civil society.

### **I. PROMOTING THE IMPLEMENTATION OF THE LEGAL FRAMEWORK FOR WOMEN'S RIGHT TO ADEQUATE HOUSING**

7. Women's right to adequate housing, as an inalienable, integral and indivisible part of all human rights, has been recognized, implicitly and explicitly in a range of international and regional human rights instruments. The scope of the existing legal framework, including with respect to land and property rights, has been described in detail in the Special Rapporteur's initial report on women and housing to the Commission (E/CN.4/2003/55). Given the close link between the right to adequate housing and land and property issues, the Special Rapporteur especially wishes to draw attention to the Istanbul Declaration and the Habitat Agenda (A/CONF.147/18), adopted at the second United Nations Conference on Human Settlements in 1996, which commits Governments to providing legal security of tenure and equal access to land to all people, including women and those living in poverty (para. 40 (b)).

8. It should be noted that the Special Rapporteur has adopted an indivisibility approach to all his work, which in the present context has entailed exploring linkages with women's right to adequate housing and other rights such as the rights to food, water, health, work, property, freedom of movement and security of person, security of the home and protection against

inhuman and degrading treatment. The indivisibility of these rights has been continuously reflected in and confirmed by the testimonies received from regional consultations, in which women repeatedly voiced how their experience of violations of adequate housing were intimately linked to violations of other rights and issues, such as equality in access to land and inheritance.

9. In his earlier reports on women and adequate housing, the Special Rapporteur has drawn attention to the gap between de jure and de facto protection of women's right to adequate housing. In many countries, women's rights are legally protected, but in practice, women are socially and economically disadvantaged and face de facto discrimination in the areas of housing, land and inheritance rights. In particular he has noted that gender-neutral laws were interpreted and implemented in ways that discriminate and disadvantage women.

#### **A. Normative progress and guidance on implementation**

10. The Special Rapporteur has attempted to actively contribute to promote the implementation of the existing legal framework, both through the clarification of normative content of existing rights and through the development of sets of implementation guidelines. To this end, the Special Rapporteur from the outset defined the right to adequate housing as "the right of every woman, man, youth and child to gain and sustain a secure home and community in which to live in peace and dignity" (E/CN.4/2001/51, para. 8), explicitly highlighting the right in relation to women and children.

11. In addition to the seven criteria of adequate housing identified by the Committee on Economic, Social and Cultural Rights in general comment No. 4, i.e.: legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location and cultural adequacy, the Special Rapporteur has identified nine additional elements of adequate housing, which he applies consistently in his work. Elements to take into consideration when evaluating adequacy are: access to land, water and other natural resources; freedom from dispossession, damage and destruction; access to information; participation; resettlement, restitution, compensation, non-refoulement and return; privacy and security; access to remedies; education and empowerment and freedom from violence against women.

12. These additional elements are based on information gathered from country missions and grass-root testimonies in different regions of the world and the experience of the Special Rapporteur throughout his mandate. They serve to identify the multiple dimensions of the right to adequate housing and the ways in which it is violated. The advantage of specifying the additional criteria has been to articulate the indivisibility perspective and deepen the understanding of the human right to adequate housing drawing from experiences from around the world.

13. The Special Rapporteur contributed to the elaboration of general comment No. 15 on the right to water by the Committee on Economic, Social and Cultural Rights (CESCR) in November 2002 (E/C.12/2002/11). The general comment reaffirms the right to water for personal and domestic uses as indispensable for a dignified human life and for realizing other human rights, in particular the rights to food, health and housing; it explicitly highlights the rights of women in that regard.

14. In 2005, the Special Rapporteur made contributions to the CESCR's drafting of general comment No. 16 on "The equal right of men and women to the enjoyment of all economic, social and cultural rights" (article 3 of the International Covenant on Economic, Social and Cultural Rights) (E/C.12/2005/4). The Special Rapporteur's approach of an indivisible framework that promotes women's substantive equality, addresses multiple discrimination and reaffirms the link between violence against women and the lack of adequate housing, found resonance in general comment No. 16. It notes that "women are often denied equal enjoyment of their human rights, in particular by virtue of the lesser status ascribed to them by tradition and custom, or as a result of overt or covert discrimination". The Committee recognized the multiple discrimination women can face and highlighted that "guarantees of non-discrimination and equality in international human rights treaties mandate both de facto and de jure equality". The Special Rapporteur particularly welcomes the Committee's recognition of gender-based violence as a form of gender discrimination. The general comment notes that "Implementing article 3, in relation to article 10, requires States parties, inter alia, to provide victims of domestic violence, who are primarily female, with access to safe housing, remedies and redress for physical, mental and emotional damage ...".

15. The Special Rapporteur has also contributed to discussions on the development of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR).<sup>3</sup> The Special Rapporteur strongly supports the adoption of such a protocol as an important mechanism for further clarification of the normative scope and content of women's right to adequate housing and ensuring the justiciability of women's economic social and cultural rights.

16. In February 2006, the Special Rapporteur continued his dialogue with CEDAW on women and adequate housing and the need for further work in this area, included through the development of model questions that the Committee could use in reviewing State reports. The Special Rapporteur welcomes the positive manner in which the Committee reacted to his suggestion that a general recommendation need to be elaborated. In this context, the Special Rapporteur wishes to draw the attention to the case of *A.T. v. Hungary* CEDAW Communication No. 2/2003, Views adopted on 26 January 2005, a case illustrating the close linkage between housing and domestic violence. The Committee on the Elimination of Discrimination against Women found a violation of articles 2 (a), (b) and (e), and article 5 (a) in conjunction with article 16 of the Convention, in that the Hungarian authorities did not provide the author with protection from being subjected to regular violence by her ex-husband for four years. Despite civil and criminal court proceedings against him, the ex-husband had not been barred from entering the author's apartment, nor had the author and her two children been provided with an optional safe shelter. The Committee recommended inter alia that Hungarian authorities take immediate and effective measures to guarantee the physical and mental integrity of the author and her family, and ensure that she is given a safe home to live with her children.

17. The Special Rapporteur also met for the second time with the Committee on the Elimination of Racial Discrimination, at its sixty-fifth session in 2004. In discussions with the Committee, the Special Rapporteur particularly highlighted the issue of discrimination in housing with respect to indigenous peoples and multiple discrimination faced by women, and highlighted the need for a general comment on discrimination in housing. The Special Rapporteur has developed model questions for discrimination in the housing sphere that the Committee could use in reviewing State reports.

18. In his 2002 annual report to the Commission (E/CN.4/2002/59, paras. 37-48) the Special Rapporteur provided guidelines for States to ensure there is no discrimination in relation to the right to adequate housing and outlined strategies for addressing existing obstacles. These guidelines highlighted the impact of race, gender and multiple discrimination on the realization of the right to adequate housing.

19. Through testimonies received during regional consultations and findings from country missions, it has become clear that not only do forced evictions remain one of the main obstacles against the effective implementation of the right to adequate housing, but that the impact on women in many cases are of particular negative nature. Against this backdrop, the Special Rapporteur focused his report to the Commission in 2004 on the issue of forced evictions (E/CN.4/2004/48) and highlighted the need for improved and more-broadly applicable guidelines on forced evictions, as well as looking at the specific impact on women of forced evictions.

20. In June 2005, the Special Rapporteur co-organized with the German Federal Foreign Office and the German Institute for Human Rights, an International Workshop on Forced Evictions, held in Berlin for the purpose of formulating guiding principles, based on existing human rights standards and humanitarian law, aimed at assisting States in developing policies and legislation at the domestic level. In light of the outcome, the Special Rapporteur elaborated a set of guidelines as to measures and procedures to be adopted in order to ensure that development-based evictions are not undertaken in contravention of existing international human rights standards and do not thus constitute “forced evictions”. The guidelines highlight, inter alia, the need for special measures to ensure that eviction and other policies and programmes are not implemented in a discriminatory manner, in particular with respect to those living in poverty, often women, whether in urban or rural areas (E/CN.4/2006/41).

21. The Special Rapporteur welcomes the work of the Special Rapporteur of the Sub-Commission on housing and property restitution in the context of the return of refugees and internally displaced persons, Mr. Paulo Sergio Pinheiro, and particularly his work on the Principles on housing and property restitution for refugees and internally displaced persons (E/CN.4/Sub.2/2005/17). The Principles reflect that rights and specific concerns related to women are often overlooked in property restitution processes. The Special Rapporteur supports the universal approach to housing, land and property adopted in the Principles.

22. In addition, as requested by Commission resolution 2005/25, the Special Rapporteur and the Special Rapporteur on violence against women, its causes and consequences, have initiated work on the drafting of model provisions to protect women’s rights in domestic violence legislation.

### **B. Effective strategies and good practices**

23. The Special Rapporteur has continued to report on the positive and effective strategies adopted by States and civil society groups. In his preliminary report on women and housing in 2003, the Special Rapporteur noted the key role played by women in collaborative efforts between local governments and civil society to improve housing conditions. He cited examples from Peru and India, where Government had worked in conjunction with local women’s groups to empower local people to own and lead the process of rebuilding their homes and communities.



24. At the national and regional level, information from the country missions undertaken by the Special Rapporteur and from the responses to his questionnaire show that there is increasing recognition of the right to adequate housing in national legislation and policies, as well as specific recognition of women's rights, in related legislation and policies. Noteworthy advances include the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa which entered into force in November 2005. It constitutes a model example for regional recognition of women's equal rights to access housing (art. 16). The Special Rapporteur contributed to the drafting process and welcomes the recognition of women's equal rights to access housing and to acceptable living conditions in a healthy environment. He also welcomes the enactment of legislation that recognizes women's rights to housing, land, and inheritance, including for example in India, through the Hindu Succession (Amendment) Act 2005 and the Protection of Women from Domestic Violence Bill 2005.

25. There have also been successful initiatives by NGOs following up on regional consultations. For instance, Mongolian women's groups successfully advocated for protection for women's right to adequate housing in legislation on domestic violence. In Latin America, civil society groups have subsequently held consultations, workshops and seminars on women's rights to land and housing at the national and regional level.

26. Best practices with direct or indirect impact on women's right to housing can also be found in connection with religious law, such as the ban in Tunisia on polygyny, based on an equitable interpretation of the Koran, and positive provisions in Malaysia and Singapore on post-divorce financial settlements. Recent changes to the *West Pakistan Family Courts Act* now open the possibility for women to more actively pursue recovery of marital property through the family rather than ordinary civil courts, which could strengthen women's position with respect to housing claims. Under the new Turkish Civil Code, the spouses are equal partners, jointly running the matrimonial union with equal decision-making powers, equal rights over the family residence and property acquired during marriage and to represent family.

27. Globally, women's groups have increasingly engaged with women's housing issues, an area that has traditionally attracted more attention from NGOs working on housing rights. The NGO International Consultation on Women Human Rights Defenders (held in Colombo, Sri Lanka, 29 November-2 December 2005) highlighted the experiences of women human rights defenders advocating for women's rights to housing and land, particularly in situations of forced evictions.<sup>4</sup> International NGOs such as Amnesty International have advanced women's housing issues within the context of their Stop Violence Against Women campaign, particularly in relation to domestic violence situations.<sup>5</sup> The annual World Social Forums have also been an important space for raising awareness of women's rights to adequate housing and land, with forums on women's adequate housing held in 2004 and 2005, and the African World Social Forum in Mali, in January 2006.

28. The Special Rapporteur has repeatedly stressed that the Millennium Development Goals represent an important opportunity to ensure that women's rights are fully realized, including their right to adequate housing. Whereas Goal 3 specifically concerns the promotion of gender equality and empowerment of women, issues related to adequate housing, land and property and inheritance of women cut across several Goals. The Special Rapporteur remains concerned that there is not yet a systematic gender mainstreaming approach with respect to Millennium Development Goals reporting, methods of implementation, and in the indicators used to measure

progress, and that women's rights organizations could potentially make more use of the Goals framework and existing subgoals on gender equality, land and property for the development of effective strategies than is currently the case.

## **II. THEMATIC FINDINGS**

29. The Special Rapporteur has in previous reports highlighted a number of preliminary key findings related to existing obstacles against the realization of the right to adequate housing of women emphasizing the interlinkages between adequate housing and violence against women, forced evictions, homelessness, property, privatization, inheritance and access to land, the impact of cultural and social norms and multiple discrimination. The following section further elaborates on previous preliminary findings and highlights conclusions drawn from recent regional consultations, country missions and questionnaire responses.

### **A. Groups of women in vulnerable situations**

30. There are different groups of women who can be particularly vulnerable to discrimination and, due to a combination of factors, face additional obstacles in accessing adequate housing. The Special Rapporteur reiterates the fact that special attention is required for some groups/categories of women who can be more vulnerable than others, at higher risk of becoming homeless, facing violence or suffering from the consequences of inadequate housing and living conditions. Such groups often include victims of domestic violence, widowed, elderly, divorced or separated women, female-headed households, women forcibly separated from their children, women victims of forced evictions, indigenous and tribal women, women with disabilities and women in conflict/post-conflict situations, women from ethnic and national minorities, including refugees, migrant women workers, women from descent- and work-based communities, domestic women workers, sex workers, and lesbian and transgender women. The testimonies from recent regional consultations have highlighted additional groups of women who can be particularly vulnerable to violations of their right to adequate housing including Roma/traveller women, women who have become widows as a result of HIV/AIDS, and young women - particularly young homeless women.

31. Highlighting the violations of the right to adequate housing experienced by different groups of women in vulnerable situations brings to the forefront the impact of multiple discrimination women face in relation to adequate housing, due to their gender, race, caste, ethnicity, age and other factors, but in many cases, also due to their relative impoverishment and lack of access to social and economic resources. See further subsection II.D on multiple discrimination.

### **B. Violence against women**

32. The Special Rapporteur's examination of the linkages between violence against women and women's right to adequate housing has also included forms of violence experienced by women other than domestic and gender-based violence, such as armed or ethnic conflict and violence exercised during and after forced evictions or against human rights defenders of women's right to adequate housing. He is also of the view that persistent poverty, where women and others are forced to live in inadequate and insecure housing and living conditions, is itself a form of violence. The Special Rapporteur recognizes the historically unequal power relations

between men and women on both individual and societal levels as the root cause of violence against women. He also notes the reciprocal relationship between violence against women and women's adequate housing, where the lack of adequate housing can make women more vulnerable to various forms of violence and, conversely, violence against women can lead to the violation of women's rights to adequate housing.

33. The regional consultations have highlighted the global prevalence of domestic violence and its impact on women's adequate housing. In his 2005 report the Special Rapporteur noted that domestic violence can greatly increase women's vulnerability to homelessness, especially when there is a lack of protection by law enforcement officials, or by the legal system itself. Comparatively fewer educational and employment opportunities for women also makes many women disproportionately dependent on family, informal support networks, or a partner or spouse to meet their housing and economic needs. Due to such dependency, fear of homelessness makes many women vulnerable to violence and other forms of exploitation within the family. The Special Rapporteur has repeatedly stressed that some of the pervasive cultural assumptions about a woman's need to "leave" a violent household - as opposed to the need to remove a violent partner - undermine women's enjoyment of the right to adequate housing and need to be addressed.

34. In a public statement issued on the occasion of International Women's Day on 8 March 2004, the Special Rapporteur expressed his increasing concern about violence used by State and non-State actors against women who attempt to secure their rights to adequate housing, particularly in situations of forced evictions. For example, on 18 June 2005, a peaceful demonstration organized by the non-governmental human rights organization Women of Zimbabwe Arise (WOZA), against forced evictions undertaken throughout Zimbabwe, was reportedly stopped by police who allegedly arrested 29 women. That is one example in the context of years of reports of widespread violations against human rights defenders, including beatings, arbitrary arrests and detention, violations of the rights to freedom of association, assembly and expression.

35. During his mission to the Islamic Republic of Iran<sup>6</sup> the Special Rapporteur noted with concern that if a woman considers leaving her husband due to the threat he represents to her safety, the difficulties she will face when attempting to rent or purchase a new house and the absence of alternative accommodation, as well as discriminatory custody practices applying to their children, may compel her to stay and place herself in severe danger. In addition the Special Rapporteur expressed concern about the perceived lack of safe houses for runaway girls and street women in the Islamic Republic Iran, which makes women attempting to escape such situations vulnerable to homelessness.

36. In the North American regional consultations held in Washington D.C. in October 2005, women experiencing domestic violence testified to problems associated with obtaining protection orders against violent partners and retaining access to rental homes. In addition, protection orders expose women to the risk of having their children taken into State care, as police tend to report such situations to the children services department, who then use the incidents of violence as evidence of children living in situations of risk. According to the testimonies received, the risk of losing their children discourages women from reporting the violence and obtaining protection orders. Women also testified to the lack of domestic violence shelters, and the short timespans for which women are able to stay in such shelters. Indigenous

women reportedly tend to avoid shelters as they are “culturally hostile”. There were also reports indicating that women who have a record of staying in a shelter are discriminated against by being denied rental leases for this very reason, further limiting available housing options for women victims of domestic violence and other women seeking shelter.

### **C. Discriminatory cultural and social norms, family and personal laws**

37. The Special Rapporteur has previously expressed his concern regarding the prevalence of certain cultural norms and traditions that deprive women of their rights to land, inheritance and property, which in turn prevents them from accessing their right to adequate housing. Of particular concern is the reflection of discriminatory cultural and social norms in family or personal laws - including civil law, codified personal laws, uncodified personal laws and uncodified customary laws. Discriminatory family or personal laws have been identified as significant determinants of women’s right to adequate housing, land and inheritance, in the context of different cultural traditions and religious systems.

38. The concern is pertinent, for example, for women in Muslim countries and communities, where issues such as divorce, polygyny and property settlements upon divorce and inheritance are covered under such laws, as confirmed during the Special Rapporteur’s country missions to Afghanistan and the Islamic Republic of Iran. Women’s formal rights and responsibilities in the family, including those relating to adequate housing, are determined by the matrimonial regime governing their marriage (i.e. civil law, codified Muslim personal laws, uncodified Muslim personal laws or uncodified customary laws).<sup>7</sup> For example, in the Islamic Republic of Iran, the Special Rapporteur noted that women are as a rule entitled to half of the inheritance of men and when a woman inherits from her husband, she does not have the right to inherit land, having only rights over liquid assets. A woman’s share in her husband’s inheritance is of only one eighth if she has children or one quarter if she does not.

39. Traditional interpretations of Muslim laws, often operationalized through statutory law, generally give Muslim female heirs a lesser share than parallel male heirs. Many aspects of Muslim personal law have evolved through jurisprudential interpretation of verses which do not prescribe precise rights and procedures but set out basic principles. Hence wide variations can be seen with respect to grounds and procedures for divorce across Muslim countries. Certain Shia jurisprudence for example, gives daughters their parent’s entire estate whereas some Sunni interpretations allow a sole surviving daughter merely one half of the estate or two or more daughters a maximum of two thirds. Similarly, some country’s Muslim laws permit children to inherit their predeceased’s parent’s share of their grandparent’s estate (e.g., Bangladesh, Pakistan), whereas others do not.

40. While recognizing the diversity of Muslim communities, the Special Rapporteur has found that women in Muslim communities are affected by that dual approach: while Islam recognizes women’s right to inherit and independently own and manage property, women’s unequal share in inheritance compared to that of men is discriminatory and inconsistent with international human rights law.

41. In some contexts customary practices relevant to women’s family or personal status can reportedly also lead to women being coerced into surrendering their property rights or access to adequate housing. In Jordan, for example, it is seen as shameful by some communities for a

woman to insist upon her share, implying that her brothers are unable or unwilling to support her. Even if a woman is given her due share, actual control of it is another question and insistence on independent managing of her share may alienate her from those upon whom she is dependent for housing. In some families with large landholdings in Pakistan's Sindh and lower Punjab the perceived need to "keep property within the family" has manifested into practices of *haq bakhshwana* [forgo one's right]. Where there is no suitable match available within the family, the woman is "married" to the Koran, remaining a lifelong spinster, dependent on brothers or other male relatives.<sup>8</sup>

42. During his mission to the Islamic Republic of Iran, the Special Rapporteur received testimonies related to the discrimination single and divorced women face in accessing housing. For instance, customary practice requires women to have the authorization of a male relative to access banking schemes necessary to purchase housing. Sellers often refuse or are reluctant to transfer ownership of their property into the name of a woman, and single women seeking rental are allegedly systematically rejected by owners if declaring that they plan to live on their own.

43. Cultural/religious practices such as polygyny have also reportedly raised concerns related to women's adequate housing in cases where men may only provide ad hoc maintenance and housing to the different groups in the family. The practice of instantaneous divorce through the "triple *talaq*" can also make a wife liable to be ejected from the marital home with no means of social redress and no right to shelter or maintenance, which is tantamount to a forced eviction.

44. In his 2005 progress report on women and adequate housing, the Special Rapporteur also reported on similar impacts of discriminatory family laws in other customary and religious contexts, including Christianity, customs and traditions in the Pacific and elsewhere. This included women in Tonga's access to marital property being subject to giving birth to a son and widows' right to such property subject to living in celibacy. The impacts of discriminatory cultural norms were also identified in the North American regional consultation in relation to indigenous women who can lose their tribal rights and identity if they marry a man from outside the "tribe". Systematic discrimination has also been reported for example against lesbian couples in Fiji.

45. Few women have the social and economic resources required to pursue claims for their rights against male relatives whether through non-formal or statutory means - as evidenced by the very sparse case law on inheritance compared, for example, to that on divorce and maintenance.<sup>9</sup> Testimonies from the regional consultation for the Pacific highlighted that the dominance of male leaders in customary land and housing forums can prevent women's equal participation in the forums and creates a significant obstacle for women seeking redress from the imposition of customary norms. These issues were also reflected in consultations held in other regions, including the Middle East, North Africa and Central Asia. For example, in North America, indigenous women testified regarding domestic violence and inadequate processes at the tribal level to appeal decisions affecting housing rights, as well as cultural barriers within the formal legal system which prevents indigenous women from seeking redress.

46. Frequently, as a result of limited avenues of redress, women face the "choice" between secure shelter and claiming their rights to inheritance. Women with limited social and economic resources are prevented from pursuing claims for their rights against male relatives whether

through non-formal or statutory means. Discriminatory aspects of religion and culture are used to legitimize violence against women in the family and community as well as by the State, but also create barriers to women accessing justice at all levels in society, thus perpetuating the impunity of private and State actors.

#### **D. Multiple discrimination**

47. Numerous testimonies from regional consultations highlighted multiple discrimination as a key obstacle against the realization of the right to adequate housing. Illustrative testimonies from the Pacific regional consultation drew the attention to the situation of indigenous women with disabilities facing multiple layers of discriminatory measures impacting negatively on their housing rights. The accounts included those of forced separation of women from their children on the grounds of inadequate living conditions.

48. While examining the implementation of women's right to adequate housing in Central Asia and Eastern Europe, the Special Rapporteur was informed of the multiple discrimination which women from minorities, in particular Roma women, were exposed to, impacting negatively on their rights. Testimonies indicated that many women were subjected to multiple layers of discrimination within the community and by the State on the grounds of them being women, as well as a member of a minority group.

49. Multiple discrimination has, according to numerous accounts, led to women living in inadequate housing, degraded living conditions, as well as in segregated communities, which are not provided with basic services such as water, sanitation or heating. The segregation can be both physical and administrative. An example of administrative segregation was reported from Bosnia and Herzegovina where the post-conflict reconstruction of housing has reportedly been disproportionately less and slower for Roma communities than for other communities. Physical segregation of the Roma people in Central Asia and Eastern Europe is further aggravated by the often informal Roma settlements being frequently located in polluted areas, near highways, waste dumps, floodplains, and areas susceptible to natural disasters. The communities also frequently live in constant fear of forced eviction.

50. The cycle of impoverishment - created by discrimination on the part of State authorities as well as private actors, on the grounds of sex, race or ethnic or national origin and segregated housing - prevents access to education, employment, sources of income and secure adequate housing and impacts severely on the rights of Roma women, who are frequently economically and otherwise dependent upon their husbands.

51. During the Special Rapporteur's consultation for Eastern Europe and Central Asia, there were also reports of racial discrimination being a determining factor in the high levels of removal of Roma children to public care, which are often justified on the basis of degraded housing conditions, or follow from forced evictions. Young girls in public institutions are no longer cared for at the age of 18, with no provision made for return to their families or for adequate housing. The discrimination and negative stereotypes with respect to Roma limit the opportunities for employment and increase the risk of homelessness. Women in such situations become targets of violence, trafficking and prostitution.

52. Segregation was also raised as an issue in the North America regional consultations, where income-based discrimination leads to differentiation in the rental markets into locations of prime rental housing that is occupied primarily by higher income white residents and areas of poor housing that is occupied by low-income and mostly African-American or other minority residents.

53. In the context of multiple discrimination, the Special Rapporteur would like to draw the attention to the specific situation of single women, in particular single mothers and elderly women, facing additional discrimination on the grounds of age or social status, often impacting negatively on their right to adequate housing. Socio-economic indicators and statistics from many countries conclude that single and divorced women often belong to the economically most disadvantaged groups of society when compared to women living with a partner or husband. This may be the result of previous financial dependence on a deceased or divorced husband, polygyny, discriminatory inheritance laws or sociocultural attitudes in general. Economic disadvantage leads to limited possibilities of accessing the private housing market. The Special Rapporteur has also received reports according to which single women are not included in State housing programmes, which often target mainly two-headed households. One illustrative example is from the Irkutsk region in Russia, where the demographic situation demonstrates a disproportionately high number of elderly women, divorced women and widows and where the economic opportunities for women are few. Programmes have been designed to address the precarious housing situation of young families, but single mothers are often excluded as they are not considered “family”. A secondary consequence of the lack of housing is that single women leave to work as migrant workers abroad and can fall victim to trafficking and sexual exploitation.

#### **E. Privatization of housing, land and services**

54. The privatization of land and public services such as water has often led to land and such services becoming less affordable, which has particularly affected women-headed households. Such impacts can be seen in the Central Asian region. In the Eastern Europe-Central Asia consultations, women from Kyrgyzstan testified that the privatized land reform, in conjunction with discriminatory traditional customs, high unemployment levels and limited access to sources of credit for women, pose significant obstacles for women’s access to adequate housing and land.

55. Unaffordability, as a result of inadequate regulation of housing and land markets by States, was also identified as an issue in the Special Rapporteur’s country mission to the Islamic Republic of Iran in 2005. Housing and land were to a large extent not affordable for the very poor, a significant proportion of which are women.<sup>10</sup> The Special Rapporteur noted that one reason for this is the inaccessibility of credit facilities, leasing and pro-housing savings programmes to the low-income population. Although some welfare programmes have been created targeting widow-heads-of-households, the pensions provided are normally insufficient to allow for the maintenance of a home in addition to meeting the high costs of rent.

56. Statistics and existing social indicators reveal that poverty levels in the majority of countries are intimately linked to race and gender. In Brazil, indicators relating to education, salaries, and health and housing conditions indicate that there is a “feminization of poverty”.

While overrepresented with respect to education indicators, a woman undertaking the same type of work as a man receives on average less than 65 per cent of the man's salary. Women often work in the informal employment sector or in menial or hazardous labour. The number of female-headed households is increasing, but testimonies and statistics indicate that women are less likely to be accepted for loans, credit and mortgage schemes, limiting access to formal housing.

57. Affordability was also highlighted as a concern for social welfare recipients during the North American regional consultation, where testimonies indicated that the social assistance for accommodation provided in Canada is not taking into account increasing market rental rates, resulting in women, particularly single women, having to forgo food and utilities in order to maintain their housing. This can also result in families renting small properties that have insufficient space. In Canada this is further compounded by the inadequacy of other social benefits such as National Child Benefit Supplement, which reportedly does not cover housing needs.

#### **F. Natural and man-made disasters**

58. The impacts of natural disasters on women's adequate housing was referred to by the Special Rapporteur in his 2005 progress report, in the context of the Indian Ocean tsunami which made 1.8 to 2.5 million people homeless across several countries on 26 December 2004. Similar observations can be made with respect to the impact of the massive earthquake hitting South Asia in October 2005, affecting primarily northern areas of Pakistan and India. Preliminary studies show that women are vulnerable to becoming homeless and are at greater risk of violence as a result of natural disasters. Women also often benefit less from reconstruction efforts. Many women do not own the homes destroyed, and where replacement homes are unavailable, women are forced to live in resettlement camps or squatter settlements for long periods. The living conditions in camps and settlements are often inadequate and contribute to the ill health of women. Women are more vulnerable to impoverishment and sexual- and gender-based violence in such contexts.

59. In December 2005, almost one year after the tsunami, the Special Rapporteur issued a joint statement with the Special Representative of the Secretary-General on the Human Rights of Internally Displaced Persons. Attention was drawn to, inter alia, the marginalization of women in rehabilitation and reconstruction processes. This has resulted in many women living in substandard conditions that fail to meet criteria for adequate housing and living conditions, including water and sanitation, dictated by international human rights standards.<sup>11</sup> The majority are still living in temporary shelters, emergency relief camps, or in damaged homes due to the lack of available or suitable alternatives. In addition, many regions continue to lack adequate health services and health-related information, which exacerbates the situation. Women's access to food is restricted, which affects the health particularly of pregnant, breastfeeding and elderly women. The combination of gender violence, ill health, loss of housing, land and livelihood and discrimination is placing women at risk of becoming entrenched in the cycle of poverty.

60. The Special Rapporteur has received reports from NGOs alleging that in the aftermath of the tsunami women's claims to land are not being upheld. Reports from Aceh and India indicate that women are unable to claim ownership rights to land registered in their husband's or



father's name. In Thailand, local women, particularly minority women, are competing with large companies' land claims, because despite having lived on a given land for several generations they did not possess land titles.<sup>12</sup>

61. According to reports, women subjected to evictions and homelessness as a result of natural disasters are particularly at risk of facing violations of personal dignity and health.<sup>13</sup> For example, the presence of military forces in some camps where tsunami survivors are living, as well as the lack of privacy in temporary shelters, has raised serious concerns regarding women's physical safety, and has increased their vulnerability to physical and sexual violence, illustrating once again the close nexus between violence against women and the lack of adequate housing. Women are inadequately protected by the police and camp administration against domestic violence due to common perceptions that violence against women is a personal/family matter. Reports of domestic violence have been widespread, as the inadequate nature of housing design and settlement layout have exacerbated already tense relations in the home due to the stressful nature of life post-tsunami.

62. The Special Rapporteur also issued a statement in response to the homelessness and inadequate and insecure housing and living conditions as a result of the earthquake in Pakistan in October 2005. He noted that the impact on women, particularly widows, had been especially severe and called for relief and rehabilitation to be carried out in a gender-sensitive and non-discriminatory manner that ensures equal participation of women. He also commented on the importance of preventative measures such as ensuring the durability of homes to withstand earthquakes and other disasters.<sup>14</sup> The Special Rapporteur welcomes the opportunity to collaborate with NGOs to develop a compilation of human rights standards to assist in guiding future responses to disasters.<sup>15</sup>

63. Subsequent reports relating to the impact of the earthquake and relief and reconstruction efforts confirm and add to the Special Rapporteur's initial concerns. The general absence of women from public life and decision-making in the hardest-hit areas is also reflected in the lack of women included in relief effort teams, which reportedly has impacted on the direction of relief and reconstruction efforts. In addition, the monetary compensation to those whose houses were destroyed allegedly often does not reach the entitled women, but remains in the hands of male relatives. Similar concerns have been expressed regarding the distribution of food, clothing and tents.

64. In the regional consultation for Central Asia and Eastern Europe, the Special Rapporteur received information from several countries about people residing on toxic waste land. From Belarus, it was reported that several thousand people are residing in the highly toxic Trostenec landfill outside Minsk. The high toxicity of the environment has numerous long-term health impacts and women are particularly exposed due to their daily tasks of burning waste for heating or cooking purposes.

65. In Mitrovica, northern Kosovo, over 500 internally displaced persons are living in the Zitkovac, Cesmin Lug and Kablare camps, constructed in 1999 by the United Nations High Commissioner for Refugees when Roma, Ashkali and Egyptian community members were driven away from their homes in Roma Mahalla. The camps were built as an ad hoc, temporary response to the flow of refugees. They were built on highly toxic land and individuals living

there are alleged to have been, and continue to be, exposed to serious lead poisoning and other environmental health problems. The impact on women has been particularly grave, leading to still births and miscarriages. Together with other special procedures, the Special Rapporteur on adequate housing has initiated dialogue with the United Nations Mission in Kosovo (UNMIK) related to the urgent need of relocation of the communities. While efforts have been made by UNMIK to allow for relocation, as of mid-January 2006 no voluntary relocations had actually taken place.<sup>16</sup> The Special Rapporteur is concerned about the fact that the communities, including women and children, continue to be exposed to lead poisoning and follows the situation closely.

### **G. Evictions**

66. Women are adversely affected by evictions owing to, for example, urban slum clearances, situations of armed conflict and as a result of large-scale development projects. In his 2005 progress report the Special Rapporteur noted that in the context of evictions, including forced eviction, women can suffer not just from loss of home, but also livelihoods, relationships and support systems, breakdown of kinship ties, physical and psychological trauma and even increased morbidity and mortality. Women particularly suffer where forced eviction are accompanied by violence targeting women who are being evicted. Such concerns were raised by the Special Rapporteur in his dialogue with the Government of Zimbabwe relating to the mass forced evictions taking place around the country (Operation Murambatsvina) in May 2005 in which informal traders and families living in informal settlements were targeted, including women with HIV/AIDS, widows, children with disabilities and HIV/AIDS orphans. Many evictees, including women, were allegedly beaten by police.

67. The CESCR, in its general comment No. 7, states that women are particularly vulnerable to forced eviction given the statutory and other forms of discrimination they experience in relation to property rights (including home ownership) or rights of access to property or accommodation, as well as women's particular vulnerability to acts of violence and sexual abuse when they are rendered homeless.

68. Women are also at particular risk of being subjected to forced evictions associated with different forms of gender discrimination. For instance, domestic women workers, prostitutes and women migrant workers are vulnerable to being evicted from accommodation provided with their work; women who are married are vulnerable to eviction due to dowry-related issues; women who are living with HIV/AIDS are vulnerable to eviction and women living with their husband's family are vulnerable to being evicted as widows or due to domestic violence or divorce.

69. In the North American regional consultations forced eviction of women from both public housing and private rental housing was identified as a main concern. In Canada, such evictions disproportionately affect women since women more commonly reside in rental properties than men.<sup>17</sup> According to testimonies, such evictions mainly occur where older public housing is demolished and people are removed without ensuring that adequate replacement housing alternatives exist. The problem is intensified given the shortage of public housing, with waiting periods as long as 10 years in some areas. Women also face evictions for non-payment or late payment of utilities bills. The loss and shortage of social housing units has forced low income

women to rely on existing and new private market rental units. In relation to private rentals, statutory provisions for time limits enable landlords to evict tenants, making tenure in rental housing more insecure. Poor, indigenous and single women with children are especially targeted with such measures, particularly in neighbourhoods where there are gentrification processes. Women are discriminated against in these contexts on the basis of their gender, family status, race and income.

70. A practice of concern also reported was the Canadian social services department's use of uninhabitable housing, or unsafe housing in situations of domestic violence, as a justification to remove children from the custody of their mothers and place them in State care. This disturbing practice was frequently evident in the experience of indigenous women.

## **H. Impact of HIV/AIDS**

71. Statistics from UNAIDS reveal that, globally, women represent 50 per cent of all adults living with HIV/AIDS, although this varies by region. Women represent per cent of the infected adult population of East Asia and the Pacific, as well as of many parts of Europe and Central Asia. Women represent 60 per cent of infected adults in sub-Saharan Africa.

72. The impact of HIV/AIDS on women's housing security cannot be underestimated. A widow whose spouse has died of HIV/AIDS may find her property pilfered and diminished by her spouse's relatives, contributing to her poverty and jeopardizing her ability to survive. In other cases, the widow whose spouse dies of HIV/AIDS is simply forced from her home and lands on allegations that her spouse contracted HIV/AIDS from her and because under tradition and custom widows can only rarely own property and land in their own right. With no economic means to survive, women can be left with no option but to engage in high risk behaviour in order to survive - potentially jeopardizing their own health as well as that of their children and other family members.

73. In a joint statement with the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health on the occasion of the World AIDS Day on 1 December 2005, the Special Rapporteur on adequate housing highlighted the impact of HIV/AIDS on women's adequate housing. Women living with HIV/AIDS and women who are widows as a result of HIV/AIDS report living with a constant fear of being forcibly evicted, even where inheritance and property rights are in principle protected by legislation.

74. Gender inequality, particularly in terms of women's adequate housing, is an underlying factor of women's vulnerability to HIV/AIDS. For instance, discriminatory customary traditions and practices such as "wife inheritance" and "cleansing" practices (i.e. where unprotected sex is seen to "cleanse" the wife of the dead husband's spirits) which are sometimes a prerequisite for a widow to keep her home or stay on her land, may contribute to the transmission of HIV/AIDS.

75. The Global Coalition on Women and AIDS (GCWA), launched by the Joint United Nations Programme on HIV/AIDS (UNAIDS), is a worldwide alliance of civil society groups, networks of women with HIV and AIDS, Governments and United Nations organizations, with a view to, at global, regional and national levels, highlighting the impact

of AIDS on women and girls and mobilize actions. The International Center for Research on Women (ICRW)<sup>18</sup> is the convening agency for one of key issues of the Coalition, i.e. the realization of women's and girls' property and inheritance rights. In view of the importance the Special Rapporteur attaches to the issue, he contributes to the work of the Coalition as member of its Leadership Council.

### I. Homelessness

76. The Special Rapporteur's 2005 annual report focused on homelessness, an issue identified during the North American regional consultation as critical for indigenous women and young women. Homelessness in general and that of young women and girls in particular has become a national concern in Canada. Reports have been received according to which teenage girls make up 6 to 12 per cent of the homeless in large cities across Canada. Homelessness has been triggered by government policies that reduce spending on social housing and shortage of affordable housing combined with increased poverty, particularly among young women.<sup>19</sup>

77. Studies from both Canada and the United States identify sexual abuse in the family home as one major contributing reason to homelessness among girls. Homelessness exposes women to an additional range of physical and emotional dangers. In order to obtain even temporary shelter, women are forced to provide sexual favours or work as sex workers/prostitutes. Homeless women, particularly young women are vulnerable to sexual exploitation, sexual trafficking and drug abuse. Homeless indigenous women were also reported to be at higher risk of systematic murder/disappearance. The poor sanitary conditions in shelters for the homeless create health risks for women. Further to the health risks, and risks of violence against women posed by homelessness, several activities commonly linked to women's homelessness are criminalized (i.e. prostitution, drug use, welfare fraud), resulting in high arrest rates of homeless women, particularly indigenous women. A criminal record may further prevent women from accessing any private rental property.

78. The examples of the lack or insufficient shelters for homeless women are numerous. In Delhi, India, in 2006 shelter facilities only cover the need of 1 per cent of the 10,000 women who are homeless.

### III. CONCLUSIONS AND RECOMMENDATIONS

79. **The Special Rapporteur's overarching finding is the prevailing culture of silence regarding the violations across the world of women's right to adequate housing and land. It is necessary to bridge the gap between legal and policy recognition of women's right to adequate housing and operation by States of national programmes to implement the legal and policy framework, including support to related initiatives by civil society. To this end, the Special Rapporteur has in his previous reports suggested a number of concrete steps. Whereas some progress has been made, the Special Rapporteur takes this opportunity to reiterate some of his key recommendations, complemented with proposed additional steps.**

80. The Special Rapporteur recommends that the Commission urge States parties to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) to ratify the Optional Protocol to the Convention, and also continue to support the elaboration of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights, which would strengthen the protection of women's right to adequate housing.

81. The Special Rapporteur urges treaty bodies and special mechanisms to promote and protect women's rights within their mandates through greater attention to multiple discrimination and substantive equality approaches to laws and policies that affect women's human rights. The Special Rapporteur encourages CEDAW to adopt a general recommendation on women's right to adequate housing and land.

82. Noting that the Millennium Development Goals provide an important opportunity to guarantee women's human rights, the Special Rapporteur recommends that States adopt a gender-equality approach in articulating and implementing the Goals and in their operational initiatives and indicators. The Special Rapporteur further reiterates his call for States to address women's right to adequate housing and land in their poverty-reduction strategies, rural development and land reform programmes.

83. At the national level, there continues to be a need for States to strengthen national legal and policy frameworks for protecting women's rights to adequate housing, land and inheritance, and provide avenues for redress where violations occur. States are urged to:

(a) Introduce constitutional recognition of right to adequate housing, non-discrimination and gender equality;

(b) Ensure both at the policy and legislative levels, harmonization between provisions in international human rights instruments and religious and customary law and practice in relation to women's equal rights to housing, land, property and inheritance;

(c) Ensure that gender-sensitive housing policies and legislation are developed, taking into account the situations of specific groups of women who are particularly vulnerable to homelessness and other housing rights violations due to multiple forms of discrimination. Specific measures are necessary to eliminate multiple discrimination in housing experienced by groups of women in vulnerable situations as identified in this report. This includes ensuring access to affordable utilities such as water, electricity and heating, as well as access to education, employment and health facilities;

(d) Act with due diligence to prevent, investigate and punish acts of violence against women given the interlinkages between violence against women and women's adequate housing;

(e) Ensure that women can access temporary, appropriate shelters and retain access to adequate housing on a longer-term basis so that they do not have to live in situations of violence in order to access adequate housing;

**(f) Ensure that women are able to access avenues of legal redress for violations of their right to adequate housing;**

**(g) Introduce anti-violence provisions in housing legislation and policies and ensure that domestic violence laws include provisions to protect women's right to adequate housing;**

**(h) Adopt alternatives to criminalizing activities commonly associated with homelessness and ensure that homeless women are not discriminated against in accessing adequate housing on the grounds of a criminal record; and**

**(i) Ensure human rights education, training and awareness-raising for law enforcers, State officials, judges, NGO representatives and media representatives.**

84. **With regard to post-disaster situations, the Special Rapporteur emphasizes the importance of States, donors and NGOs ensuring that women are able to participate and benefit equally from reconstruction efforts and are not discriminated against in terms of accessing adequate housing and land.**

85. **The Special Rapporteur reiterates his recommendation to the Commission to authorize the holding of an expert seminar to discuss and formulate recommendations on current uses of customary laws and practices and their reconciliation with human rights principles.**

86. **He also recommends to the Commission that it request the Office of the High Commissioner for Human Rights to disseminate the reports from regional consultations on women and housing held since 2002 and to consider preparing a more extensive publication on the Special Rapporteur's findings.**

87. **Finally, in recognition of the linkages between housing, land, property and inheritance, it is recommended that the Commission strengthen the reflection of an indivisible approach in the mandate for the Special Rapporteur on adequate housing. The Special Rapporteur further recommends that the issues and conclusions stemming from his work be integrated as appropriate in the mandates of the Special Rapporteur on adequate housing and the Special Rapporteur on violence against women to ensure the continuing examination of women's right to adequate housing.**

#### Notes

<sup>1</sup> See <http://www.ohchr.org/english/issues/housing/docs/questionnaireEn.doc>.

<sup>2</sup> In addition, the Special Rapporteur is planning to hold a final regional consultation in Barcelona for the Mediterranean region. The reports from the individual consultations are to be found on the website of the Office of the United Nations High Commissioner for Human Rights, see: <http://www.ohchr.org>.

<sup>3</sup> On 24 February 2004, the Special Rapporteur participated in an interactive dialogue held between the open-ended Working Group to consider options regarding the elaboration of an optional protocol to the ICESCR at its first session (see the report of the Working Group E/CN.4/2004/44).

<sup>4</sup> The International Consultation on Women Human Rights Defenders is part of the International Campaign on Women Human Rights Defenders, organized by an International Coalition of NGOs. The Consultation was attended by Hina Jilani, the Special Representative of the Secretary-General on the situation of Human Rights Defenders and the Special Rapporteur on Adequate Housing <<http://www.defendingwomen-defendingrights.org/>>.

<sup>5</sup> “Lack of economic autonomy, denial of property [or inheritance] rights or access to housing and fear of losing their children means that few women can risk the truly daunting consequences of leaving violent situations and attempting to secure justice from a legal system that may be discriminatory or indifferent.” (Amnesty International, *It's In Our Hands: Stop Violence Against Women*, Amnesty International Publications London 2004 <<http://web.amnesty.org/actforwomen/reports-index-eng>>).

<sup>6</sup> See E/CN.4/2006/41/Add.2.

<sup>7</sup> Cassandra Balchin, Gender, “Muslim laws and the right to adequate housing”, background paper provided to the Special Rapporteur on adequate housing, 2005.

<sup>8</sup> Balchin, 2005.

<sup>9</sup> Balchin, 2005.

<sup>10</sup> Women represent only less than 15 per cent of the economically active population in the country (National Report on the Status of Women in the Islamic Republic of Iran, Center for Women's Participation, 2005, p. 71).

<sup>11</sup> *International Human Rights Standards on Post-disaster Resettlement and Rehabilitation*. Habitat International Coalition - Housing and Land Rights Network (HLRN) and People's Movement for Human Rights Learning (PDHRE), and United Nations Special Rapporteur on Adequate Housing. Bangalore, India: Books for Change, 2006.

<sup>12</sup> APWLD, “Statement: Asian Women's Consultation on Post Tsunami Challenges” (Aceh, 25-27 July 2005), see [http://www.apwld.org/tsunami\\_statementpostchallenges.htm](http://www.apwld.org/tsunami_statementpostchallenges.htm).

<sup>13</sup> In Nicaragua 27 per cent of female survivors and 21 per cent of male survivors of Hurricane Mitch reported increased violence within the family. (Women's Edge Coalition, “Women, Natural Disaster and Reconstruction”, see [http://www.womensedge.org/pages/referencematerials/reference\\_material.jsp?id=345](http://www.womensedge.org/pages/referencematerials/reference_material.jsp?id=345)).

<sup>14</sup> According to general comment 4 of the United Nations Committee on Economic, Social and Cultural Rights, para. 8 (d), “(a)adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards [...] The physical safety of occupants must be guaranteed as well”.

<sup>15</sup> *Tsunami Response: A Human Rights Assessment*. People’s Movement for Human Rights Learning (PDHRE), Habitat International Coalition - Housing and Land Rights Network (HIC-HLRN), and ActionAid International, 2006.

<sup>16</sup> See further E/CN.4/2006/41.

<sup>17</sup> Some 71 per cent of women compared to 48 per cent of men rented in 1997, Center for Equality Rights in Accommodation (CERA) Report, North America Regional Consultations 2005.

<sup>18</sup> See [www.icrw.org](http://www.icrw.org).

<sup>19</sup> Over 90 per cent of single mothers under 25 live in poverty in Canada (National Housing and Homelessness Network, Toronto Disaster Relief Committee Submission, North America Regional Consultations 2005).

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