



**Economic and Social  
Council**

Distr.  
GENERAL

E/CN.4/2005/43  
25 February 2005

Original: ENGLISH

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COMMISSION ON HUMAN RIGHTS  
Sixty-first session  
Item 10 of the provisional agenda

**ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Women and adequate housing**

**Study by the Special Rapporteur on adequate housing as a component of  
the right to an adequate standard of living, Miloon Kothari\***

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\* The present report is submitted late so as to include as much up-to-date information as possible.

## Summary

The Commission on Human Rights, by 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”, requested the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, to submit, within his mandate, a report on women and adequate housing for its consideration at the fifty-ninth session (E/CN.4/2003/55). This progress report on women and adequate housing responds to Commission resolution 2003/22, in which it requested the Special Rapporteur to submit an additional report to the Commission at its sixty-first session, on women and adequate housing.

While international and national laws increasingly recognize women’s right to adequate housing, considerable gaps still exist between such recognition and the reality of large-scale denial of this right.

This progress report on women and adequate housing expands the original focus on women’s right to adequate housing to examine the interrelated issues of land, property and inheritance as well as other human rights, such as the rights to water and to health, in order to provide a more comprehensive and indivisible analysis of women’s right to adequate housing. It explores specific themes emerging from a deeper analysis of the ways in which women are discriminated against with respect to rights to housing, land, and property. Principal amongst these is the interlinkage between violence against women and women’s right to adequate housing. The widespread prevalence of gender-based violence is a central thread in the fabric of human rights violations faced by women, including in violations of the right to adequate housing and land. Regional consultations in India, Mexico, Egypt and Fiji on women’s right to adequate housing and related rights stressed the prevalence of certain cultural norms that deprive women of their rights to land, inheritance and property, which in turn prevents them from accessing their right to adequate housing. Women also suffer more from forced evictions and homelessness as both situations subject them to greater violence as well as violation of personal dignity and health.

Critical factors affecting women’s right to adequate housing and land are lack of secure tenure, lack of information about women’s human rights, lack of access to affordable social services as a result of privatization, lack of access to credit and housing subsidies, bureaucratic barriers preventing access to housing programmes, rising poverty and unemployment and discriminatory cultural and traditional practices. The Special Rapporteur notes that a State’s obligation to eliminate gender discrimination is one of *immediate effect* and failure to do so constitutes a human rights violation. There is an urgent need to address multiple forms of discrimination that women face on grounds including race, class, ethnicity, caste, health, disability, sexual orientation, and other factors. An intersectional approach to gender discrimination is essential to address such multiple forms of discrimination faced by women.

Among several recommendations to States, the United Nations and civil society actors, the Special Rapporteur calls for the implementation of innovative government housing policies and programmes. The Special Rapporteur also stresses the importance of integrating women’s human rights into poverty reduction strategies, anti-poverty policies and rural development and land reform programmes. Furthermore, in adhering to his mandate, the Special Rapporteur emphasizes the adoption of an indivisibility-of-rights approach to promoting women’s rights to adequate housing.

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## Introduction

1. The Commission on Human Rights, by 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”, requested the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, to submit, within his mandate, a report on women and adequate housing for its consideration at the fifty-ninth session (E/CN.4/2003/55). This progress report on women and adequate housing responds to Commission resolution 2003/22, which took note of the preliminary report submitted by the Special Rapporteur on adequate housing, affirmed the recommendations from resolution 2002/49, and requested the Special Rapporteur to submit an additional report to the Commission at its sixty-first session, on women and adequate housing.

2. Since the establishment of the mandate of the Special Rapporteur on adequate housing in 2000, the Commission has emphasized the inclusion of a gender perspective as a main task of the mandate-holder. Accordingly, and with a firm prior belief in the critical importance of such integration, the Special Rapporteur has regularly and systematically integrated a gender perspective in all activities related to his mandate.

3. The preliminary report submitted by the Special Rapporteur pursuant to resolution 2002/49 (E/CN.4/2003/55) provided a general overview of the national and international legal and policy framework, highlighting the existing gaps on women’s right to adequate housing as well as identifying specific issues for women. The Special Rapporteur recognized that women’s right to adequate housing is often violated on account of multiple discriminations. He noted that 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. Importantly, the Special Rapporteur also noted the special links between women’s rights to housing, land, property and inheritance, calling for an integrated approach to these issues.

4. This progress report expands on the findings of the preliminary study. Having advanced the methodologies for collating information and engaging with States, United Nations bodies, international financial institutions, and civil society groups, this report explores specific themes emerging from a deeper analysis of how women are discriminated against with respect to rights to housing, land and property. It builds on the indivisible analysis of women’s right to adequate housing adopted in the original report, to further examine the interrelated issues of women’s rights to adequate housing, land, property and inheritance as well as other human rights, such as the rights to water and to health. The Special Rapporteur emphasizes that women everywhere face obstacles in realizing the right to adequate housing and the country examples offered in this report are merely illustrative and not meant to single out particular States.

5. An additional issue not covered in this progress report that will require additional exploration is the need to consider specifically the impact of natural disasters on the right of women to adequate housing. The recent example of the tragic tsunami in the Indian Ocean highlights some of the key issues that will need to be addressed. The widespread destruction of homes and the resulting displacement can result in the establishment of centralized camps which facilitate provision of assistance, but where poor housing and living conditions can pose particularly severe health risks for women and children (in some of the affected countries, they

have reportedly been able to sleep in nearby mosques). As for other emergencies, assistance is too often distributed on a “head-of-family” basis and women too often fail to be recognized as such (particularly in the case of young girls who may be left in charge of orphaned siblings). Women are too often not involved in camp governance or response planning. When local people and groups are not sufficiently consulted by international agencies and NGOs or the military, women can also be particularly affected, as they may be unwilling to speak about their needs to outsiders - especially when the volunteers tend to be young men. Widows may also be particularly affected in fishing and other communities where traditional distribution of labour made women dependent on their husbands for income generation. Reports from the area affected by the tsunami have highlighted increased trafficking of women as a result of the loss of homes and livelihoods, as well as incidents of women victims being raped, robbed or murdered. Greater attention is needed for protection and security in camps and elsewhere. However, excessive militarization of the assistance effort is also a matter of concern, as a greater military presence often results in increased sexual violence, abuse, and exploitation of women. The Special Rapporteur would like to stress the need for a human rights approach to be urgently implemented by States. This needs to become evident in both the assessments that are made of losses suffered by women and in the rehabilitation process that must take into account the special housing needs of women. In this context, the Special Rapporteur is encouraged by the use of the Habitat International Coalition Housing and Land Rights Network Housing and Land Rights Monitoring “Tool Kit” by civil society organizations in Tamil Nadu, India, to make an accurate assessment of the material and non-material losses suffered by women who lost their homes.<sup>1</sup>

## **I. ACTIVITIES UNDERTAKEN SINCE 2003**

6. In preparation for the present progress report on women’s right to adequate housing, the Special Rapporteur on adequate housing aimed to collate information on the violations of women’s right to adequate housing and associated rights, the contexts that contribute to these violations, and the strategies that women, civil society groups and States are using to address and prevent such violations. The Special Rapporteur engaged with States, United Nations bodies, civil society groups, communities and individual women through country missions, regional consultations, dialogues with United Nations treaty and Charter-based bodies, a questionnaire on women’s rights to adequate housing for States and civil society groups, and global and regional meetings. The Special Rapporteur notes with immense satisfaction the remarkable momentum generated in various regions of the world by this study and salutes the role of civil society networks that are continuing to build on the opportunities provided by this study.

### **A. Country missions**

7. In the context of country missions, the Special Rapporteur has integrated strategies for examining women’s right to housing and land, by meeting with local housing and women’s ministries, national human rights institutions, United Nations offices, and women’s civil society groups.

8. During his mission to Peru in March 2003 (E/CN.4/2004/48/Add.1), the Special Rapporteur noted that disproportionate numbers of women live in inadequate and insecure housing and living conditions. The problems faced by women in terms of housing included lack

of access to water, sanitation and basic services; the poor condition of houses and high costs for repair and building materials; a lack of security of tenure; a lack of safe footpaths; the absence of specific legislation for the protection of women in housing laws and policies, despite 36 per cent of households being headed by women; and testimonies were received of government programmes and assistance not effectively reaching women. Recognizing the important work of the Ministry of Women and Social Development (MIMDES), the Special Rapporteur recommended, inter alia, that the Ministry of Housing, Construction and Sanitation work closely with MIMDES to review the legal framework to ensure greater protection of women's right to adequate housing.

9. From 31 August to 13 September 2003, the Special Rapporteur undertook a country mission to Afghanistan (E/CN.4/2004/48/Add.2), where he found that women and children were particularly affected by increased land speculation, land occupation, land-grabbing and associated forced evictions. Many war widows and female-headed households are homeless and find themselves forced to remarry or live with male relatives simply to ensure a roof over their heads. Domestic violence is also widespread and is not acknowledged as an issue by the authorities or among the public. The rights of women are further denied in areas where discriminatory provisions with respect to women's rights to property under customary rules are allowed to prevail in practice over existing civil provisions. The Special Rapporteur commended the efforts of the Afghan Independent Human Rights Commission, as well as initiatives that encourage the participation of women in establishing development priorities at the local level. The Special Rapporteur recommended that a moratorium on all forced evictions be imposed until a national housing and land policy is in place. He also stressed the need for a stronger human rights component within the national and international programmes, including greater political and financial support to the Afghan Independent Human Rights Commission, the Ministry of Women's Affairs, and UNIFEM.

10. During his mission to Kenya in February 2004 (E/CN.4/2005/48/Add.2), while recognizing the positive steps taken and the political will shown by the Government, the Special Rapporteur drew attention to the discrimination faced by women with respect to land, property and inheritance. He underlined that discrimination in customary law with respect to women's property and inheritance rights negatively affects their right to adequate housing. The Special Rapporteur also expressed concern over the situation of female-headed households in urban slums; the insufficient legal protection against violence occurring in the home; and, the effects of the absence of a national legal aid scheme on women's ability to defend their housing, land and property rights in cases of divorce, inheritance and domestic violence. The Special Rapporteur recommended, inter alia, that the Government devote particular attention to inequalities between women and men in formulating laws and policies, noting that all ministries must be sensitized to this cross-cutting issue.

11. The Special Rapporteur undertook a mission to Brazil in June 2004 (E/CN.4/2005/48/Add.3), where he noted that poverty is a major obstacle to women's full realization of their right to adequate housing. 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, which limits their access to formal housing. In addition to the burdens faced by all women in accessing housing and land, Afro-Brazilian women, indigenous women and women living in *favelas*, continue to face multiple forms of

discrimination and need particular attention from policy-makers. The Special Rapporteur recommended, inter alia, that priority should be given to providing services to women and vulnerable communities, guided by a holistic approach to the protection of human rights.

### **B. Questionnaire on women's right to adequate housing**

12. In order to solicit information from States and civil society for this study, the Special Rapporteur prepared a questionnaire on women and adequate housing which was disseminated in 2002 to all States and also, through regional consultations, conferences and the Internet, to civil society groups across the world. Detailed responses to the questionnaire have been received from women's rights groups and housing rights groups from all regions in the world. However, the number of responses from Governments has been limited and the Special Rapporteur encourages States to provide information under the questionnaire for consideration in his future work on women and housing.

13. The questionnaire, which was based on the Housing and Land Rights Monitoring Tool Kit ([www.hlrn.org](http://www.hlrn.org), password needed), developed by Habitat International Coalition Housing and Land Rights Network (HIC-HLRN), aims to collate information necessary to develop the "core content" of the right to adequate housing, and to contribute to a better understanding of the meaning of "adequacy", to meet all the dimensions relevant to women's experiences. The questionnaire expands the range of elements in the right to adequate housing (beyond those adopted by the Committee on Economic, Social and Cultural Rights in its general comment No. 4) and unpacks the concept of "adequacy" in ways that are more relevant in this context. It incorporates an indivisible approach highlighting the civil and political rights dimensions of women's right to adequate housing (e.g. privacy, information, participation in decision-making). It also collates information on relevant policies, best practices and laws, with a specific focus on the experiences of women, the impacts on women, and the effective strategies employed by women. Following the outcomes of regional consultations in 2003, the questionnaire was revised to elicit more information on gender discrimination and gender-based violence relating to women's rights to adequate housing and land (see [www.ohchr.org/english/issues/housing/docs/questionnaireEn.doc](http://www.ohchr.org/english/issues/housing/docs/questionnaireEn.doc)).

14. The questionnaire should give useful guidance to States in reviewing their existing policies and legislation. The questionnaire, combined with the Tool Kit, are also useful tools for human rights education and learning for local community and non-governmental groups working on promoting and enforcing women's right to adequate housing.

### **C. Regional consultations with civil society groups**

15. With support from UN-Habitat, a regional civil society consultation was organized for the Special Rapporteur in Nairobi in October 2002, which allowed collection of information from women from East and Southern African countries. The results of this consultation were reflected in the preliminary report presented to the Commission in 2003. In its resolution 2003/22, the Commission encouraged the holding of further regional consultations with civil society. In light of this, the following regional consultations were held during 2003-2004:

- 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 Rights to Adequate Housing and Land (Nadi, Fiji, October 2004).

16. Each consultation was jointly organized with local and regional civil society groups (full list available at [www.ohchr.org/english/issues/housing/women.htm](http://www.ohchr.org/english/issues/housing/women.htm)) with the support and cooperation of the Office of the High Commissioner for Human Rights (OHCHR). The Special Rapporteur would like to specifically thank HIC-HLRN, Asia Pacific Forum on Women in Law and Development (APWLD), International Women’s Rights Action Watch - Asia Pacific (IWRAP-AP) and Social Watch for their support throughout the consultations and their follow-up processes. The format developed for the consultations consists of an initial training on monitoring and advocating for women’s human rights using the HIC-HLRN Tool Kit, followed by the presentation of individual testimonies on themes relevant to women and housing in specific regions (e.g. violence against women, globalization, exclusion and segregation, land, and culture). This format encouraged capacity-building for civil society groups to address women’s right to adequate housing and provided an opportunity for civil society groups to share information with the Special Rapporteur.

17. The consultations brought together grass-roots women’s and civil society groups to inform the normative content of the discussion on women’s right to adequate housing, to understand the principles of substantive equality and non-discrimination, to examine accountability within the human rights framework, and to exchange approaches, methodologies and strategies for monitoring and advocating on women’s right to adequate housing. The consultations have demonstrated the importance of using grass-roots dialogues and testimonies to critically inform the core content of the right to adequate housing. The testimonies also confirmed that an indivisible approach is required to effectively address the complex contexts within which women experience discrimination and violations. The testimonies explained in further detail the reasons for the gap between laws and policies and their implementation, initially identified in the Special Rapporteur’s 2003 report on women and adequate housing, and identified strategies to overcome this gap. The recommendations from this report are therefore rooted in a process of consultation and engagement with civil society groups working both in the women’s rights and housing rights sectors.

18. The consultations have been effective as a means of engaging with civil society groups, especially those that may not have had previous access to United Nations mechanisms and forums. Further, holding consultations at the regional level has enabled the specific contexts of each region to be examined. The consultations have also been an important process for improving networking and cross-fertilization of work on women’s right to adequate housing between women’s groups and housing groups. Civil society groups have taken up several



follow-up actions after the consultations. For example, groups in Mongolia were able to successfully advocate the inclusion of provisions for protecting women's right to adequate housing in the country's new anti-domestic violence legislation; follow-up national-level consultations were held in various Latin American countries and in Australia; and a conference was held to consolidate the learning from regional consultations thus far (at the World Social Forum 2005 in Brazil), with the participation of some of the women who had testified at the regional consultations.

19. Given the success of the consultations, additional consultations are planned for Europe and North America in 2005, contingent on an extension of the Special Rapporteur's mandate to specifically investigate women's right to adequate housing, and the availability of funds.

#### **D. United Nations activities**

##### **1. Millennium Development Goals**

20. The Millennium Development Goals represent an important opportunity to ensure that women's human rights are fully realized, including their right to adequate housing. The issues of adequate housing, land, property and inheritance for women cut across several Goals (i.e. to eradicate extreme poverty and hunger, promote gender equality and empower women, develop a global partnership for development). However, ensuring that the Goals advance women's human rights requires full integration of gender analysis in the articulation of the goals, in the methods of implementation, and in the indicators used to measure progress.<sup>2</sup> It is also important to integrate the activities of the Committee on Economic, Social and Cultural Rights and the Special Rapporteurs working on economic, social and cultural rights into the ongoing work of the United Nations for implementing the Millennium Development Goals, including the Millennium Project and Millennium Campaign.

##### **2. UN-Habitat**

21. At its nineteenth session in May 2003, the Governing Council of UN-Habitat adopted its resolution 19/16 on women's role and rights in human-settlements development and slum upgrading. The Governing Council refers to paragraphs 23 and 24 of the Habitat Agenda, and specifically recalls the resolutions of the Commission on Human Rights on women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing, and the Convention on the Elimination of All Forms of Discrimination against Women.

22. The Special Rapporteur welcomes the emphasis by the Governing Council on the impact of gender-based discrimination and violence against women on women's equal access to adequate housing, land and property, particularly during complex emergency situations, reconstruction and rehabilitation. It should also be noted that the Governing Council explicitly recognized that poor urban women and children are particularly affected by unlawful forced evictions, and emphasizes the need for promoting policy alternatives to unlawful forced evictions through campaigns for secure tenure and urban governance.

23. Resolution 19/16 specifically requests Governments to promote and protect women's equal access to adequate housing, property and land, including rights to inheritance, and further encourages Governments to support the transformation of customs and practices that discriminate against women and deny women security of tenure and equal ownership of, access to and control over land and equal rights to own property and to adequate housing.

24. UN-Habitat released *The State of the World's Cities* report in 2004. The Special Rapporteur contributed an article to this report in which he discussed inadequate and insecure housing and living conditions such as overcrowding, indoor pollution, precarious housing, lack of water, sanitation and electricity and inadequate building materials, realities affecting women to a larger extent than men. He noted that women living in extreme poverty face much greater risk of becoming homeless or living in inadequate housing and health conditions and bear the brunt of forced evictions, especially when evictions are accompanied by violence. The horrific lack of adequate housing, particularly for women, is a strong indicator of the extent to which Governments across the world are literally failing to provide for the livelihood and dignity of people.<sup>3</sup>

25. He cited examples from Asia, where loss in family income and diminishing sources of employment in rural areas, or forced evictions of families from indigenous and rural lands, as a result of large-scale development projects, globalization and armed conflict, is resulting in large numbers of women and young girls migrating or being trafficked to urban areas or other countries to earn income needed by the family. Many of these young girls and women are taking up employment as domestic workers, where the accommodation conditions sometimes consist of no more than a kitchen floor, a bathroom corner or a closet.<sup>4</sup> He also noted that some of the richest countries in the world, like Australia and the United States of America, continue to fail to implement basic steps towards the adequate realization of women's right to adequate housing.

### **3. Committee on Economic, Social and Cultural Rights**

26. The Committee on Economic, Social and Cultural Rights has, for several sessions, been elaborating on a general comment on article 3 of the Covenant, on the equal right of women and men to the enjoyment of economic, social and cultural rights. The Special Rapporteur submitted a contribution to the deliberations of the thirty-third session of the Committee in November 2004.

27. In his submission, the Special Rapporteur underlined four main issues of importance. First, in recognition of the inequality women face globally in claiming their human rights, in particular their economic, social and cultural rights, the specific focus on women's equality needs to be central to any analysis. Second, the forthcoming general comment must reflect a substantive equality approach, which recognizes women's equality in both de jure and de facto senses. One of the main findings through the work of the Special Rapporteur is that women suffer more from indirect discrimination as a result of biases in the judiciary and public administration, and from how supposedly gender-neutral laws and cultural norms are applied to women. Third, account must be taken of the intersectional discrimination faced by women living in extreme poverty, under occupation or with domestic violence, indigenous and tribal women, widows, divorced or separated women, women heads of households, girl children,

elderly women, migrant and refugee women, and women with disabilities to mention a few groups. An intersectional approach to gender discrimination is essential to ensure that these groups of women equally enjoy their right to adequate housing and land. Finally, the Special Rapporteur drew the attention of the Committee to a recurring theme from regional consultations, i.e. the significant obstacle that discriminatory cultural norms, traditional practices, and laws pose to the realization of women's equal rights to adequate housing, land, property and inheritance.

#### **E. Other events and initiatives concerning women and housing**

28. In addition to the regional consultations, several other important civil society initiatives have emerged that are relevant for the advancement of women's rights to adequate housing and land. The Special Rapporteur contributed to a number of these initiatives.
29. The Special Rapporteur made several presentations at the World Social Forum, (Mumbai, India, January 2004) on rights to adequate housing, economic, social and cultural rights and international human rights, highlighting the concerns of women in each area. He also worked with civil society groups in organizing workshops on violence against women and exclusion, implementation of economic, social and cultural rights, privatization of water, and homelessness.
30. During the Universal Forum of Cultures, held in Barcelona in 2004, the Special Rapporteur addressed several meetings stressing that the right to culture and cultural expression is consistent with women's rights to housing and land as recognized in international human rights instruments. During the World Urban Forum, organized alongside the Barcelona Forum, the Special Rapporteur highlighted the importance of including women in urban policy formulation and countering the distinct negative impact of urbanization and forced evictions on women.
31. At the sixtieth session of the Commission on Human Rights, in April 2004, the Special Rapporteur on adequate housing and the Special Rapporteur on violence against women participated in a parallel event on "Inter-linkages between violence against women and women's right to adequate housing", organized by APWLD, in collaboration with IWRAW-AP, the Women's Aid Organisation, the Women's League of Burma and OHCHR.
32. In March 2004, Amnesty International launched its Stop Violence against Women campaign. The Special Rapporteur welcomes the fact that this campaign highlights that deprivation of housing constitutes one type of violence or punishment applied to women.
33. The Special Rapporteur participated in an international conversation on women's economic, social and cultural rights, *An Exploration of Gender in the Context of Economic, Social and Cultural Rights* (India, October 2004). Participants discussed the importance of applying an indivisible and intersectional approach to human rights that is inclusive of economic, social and cultural rights, as well as discriminations on the grounds of class, gender, race, caste, ethnicity, disability, sexual orientation, etc. The meeting also recommends the integration of economic, social and cultural rights, such as the right to housing, into the work of women's organizations.<sup>5</sup>

34. In January 2005, the fifth World Social Forum took place in Porto Alegre, Brazil. Several meetings were held on the right to adequate housing and land which highlighted the critical role of women. A meeting entitled “Women across the world defending their rights to housing and land”, was held specifically to draw lessons from the work done on women and housing initiated by this study. This meeting also brought together several women from the grass-roots and resource people that had been part of the regional consultations. The Special Rapporteur welcomes this focus now being reflected in the annual programme of the World Social Forum, in itself a remarkable reflection of the emerging global civil society movement.

35. On several occasions, the Special Rapporteur issued statements concerning women and housing. On International Women’s Day in 2004, he issued a statement focused on the connection between violence against women and the enjoyment of the right to adequate housing. The Special Rapporteur issued a statement on the theme of “Cities: engines of rural development”, for World Habitat Day, 4 October 2004, in which he called for the end of the “culture of silence” that surrounds women’s struggles for rights to adequate housing, land, property and inheritance and related violence. At an international conference organized by the Women’s United Nations Report Program and Network (WUNRN) concerning widows, the Special Rapporteur contributed a statement on the intersectionality of discrimination against widows, because they are women and because they are widows, and the effects of this discrimination on their right to adequate housing.<sup>6</sup>

36. The Special Rapporteur also issued in October 2004 a public statement concerning the forced and violent eviction of around 40 homeless women and 60 children from the only night shelter for women in New Delhi, India by about 150 New Delhi Municipal Corporation Council (NDMC) staff along with a few plainclothes’ policemen. The eviction pushed homeless women and children back on the streets of New Delhi, known for its high crime rate, especially against women, thus exposing the women and children to rape, sexual assault, abuse and oppression.

37. With regard to legal developments, the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa was a welcome development and also served as a model for other regions for promoting and respecting women’s human rights at the regional level. Article 16 of the Charter recognizes women’s equal rights to access housing and to acceptable living conditions in a healthy environment.

38. In carrying out his mandate, including during country missions, the Special Rapporteur has observed that while women face multiple rights violations related to their right to adequate housing and land, they are also increasingly at the forefront of land and housing rights movements. For example, the Uganda Land Alliance, the National Land Forum in Tanzania, the Zambia National Land Alliance, the National Land Committee in South Africa, the Kenya Land Alliance, the Rwanda Land Alliance, and the Namibian NGO Forum (NANGOF) have all fought for the land rights of women, pastoralists, the landless, and other marginalized people. The Bangladesh Kishani Sabha is an organization of women farmers that works with landless women. The Landless Women’s Association, also in Bangladesh, is the women’s counterpart to the Krishok (Male Peasant) Federation, which organized in 1992 by occupying lands. As in other regions of the world like Brazil<sup>7</sup> and Bolivia, where land inequalities are glaring, occupation of unused land is often the only option for the landless, and women are generally at

the forefront of these movements. Unless land reform programmes in urban and rural areas are devised and implemented in an integrated manner with housing policies, equal rights for women to adequate housing will be difficult to realize.

## **II. THEMATIC FINDINGS**

39. Based on the questionnaire responses and testimonies and outcomes of the regional consultations with civil society, key themes have emerged as critical issues in the context of women's right to adequate housing.

40. Testimonies from the regional consultations, as well as responses from the questionnaires, have reaffirmed that women facing human rights violations experience them in complex situations where several rights can be violated simultaneously and the violation of one right can be linked to the subsequent violation of other rights. For example, in parts of the Pacific region, women are unable to access their right to adequate housing without first accessing rights to land. Additionally, lack of adequate housing can prevent women from accessing a range of other rights. For instance, without proof of residency, women may not be able to access government services, the right to vote, education for their children, health benefits, etc. Protecting women's right to adequate housing must place the indivisibility of human rights at the centre of any strategy, incorporating both the civil and political elements (e.g. right to security, right to participation, right to information) as well as the economic, social and cultural elements of the right to adequate housing (e.g. right to food, education, land, water).

### **A. Violence against women**

41. In the consultations and questionnaire responses, respondents spoke about the interlinkages between violence against women and the right to adequate housing in the context of domestic violence, armed or ethnic conflict, forced evictions, and globalization. Persistent poverty, where women and others are forced to live in inadequate and insecure housing and living conditions, also exposes women to forms of gender-based violence, and arguably is itself a form of violence. Considering these connections, the Special Rapporteur is interested in further developing cooperation with the Special Rapporteur on violence against women, its causes and consequences, and in exploring common themes of action.

42. Violence against women is a manifestation of historically unequal power relations between men and women on both individual and societal levels. Acts and threats of violence play a dominant role in perpetuating these unequal power relations, which also underlie the violations of women's rights to adequate housing. 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.

43. For instance, women living in situations of domestic violence inherently live in inadequate housing, due to the violence they face within the home. Factors such as density, poor habitability and lack of accessible civic services (water, electricity, sanitation) can further contribute to increasing the vulnerability of women to domestic violence. Many women in such situations are unable to remove the perpetrator from the house, due to the lack of family, community and State support. Further, many women are prevented from leaving violent

situations, because alternative housing and financial support are unavailable. The lack of secure tenure also contributes to a woman's decision to remain in an abusive situation. Many women who do manage to leave home become vulnerable to homelessness and consequently may suffer further violence. For instance, in the United States of America, a large proportion of homeless women are those who have escaped domestic violence.<sup>8</sup>

44. There is a need for stronger standards at the national and international levels addressing the linkages between violence against women and the right to adequate housing. More research is required on the impact of States' reservations to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on the right to adequate housing. Additionally, empirical data that demonstrates the links between right to adequate housing and violence against women, particularly for different vulnerable groups of women, must be collected.

45. The concept of housing must go beyond the private home to include different forms of accommodation used by women on temporary and permanent bases, including shelters, detention centres, refugee camps, and factory dormitories. Within all these forms of housing, all the elements of the right to adequate housing must equally apply, including ensuring security from harassment and violence.

46. Legislation against domestic violence must recognize the link with the right to adequate housing and contain legal protections for women to realize this right, while ensuring the provision of alternative adequate housing for victims of domestic violence and abuse. A number of laws that recognize this link are beginning to emerge, including the recently enacted domestic violence law in Mongolia and the Domestic Violence Against Women (Prevention and Protection) Bill, drafted by a non-governmental organizations in India. The latter specifically recognizes a woman's right to residence in the shared household, which is particularly important because a common impact of domestic violence in India is that the woman loses her space in the shared household.<sup>9</sup>

47. The regional consultations also revealed new areas of research, such as gaining a deeper understanding of: the principle of non-discrimination as reflected in the International Covenant on Economic, Social and Cultural Rights in addition to expanding on the housing and land rights dimensions of non-discrimination as traditionally understood in CEDAW; the precise meaning and application of substantive equality and the intersectionality approach, which can illustrate how adequate housing manifests differently for each person according to his or her age, economic status, gender, race, ethnicity, caste, citizenship, health, sexual orientation or other factors, and which can guide policy formulation on women and adequate housing, particularly for specific groups of women.

48. A range of strategies identified by civil society groups to address the interlinkages of violence against women and women's right to adequate housing include:

- Using international treaties and mechanisms (e.g. special procedures of the Commission on Human Rights) more strategically, to ensure better integration of this critical issue in related Commission mandates, to ensure accountability and reduce impunity of violators;

- Applying the normative framework of housing rights to create more preventive approaches that pre-empt violations linked to violence against women and right to adequate housing;
- Advocating for the “right not to be evicted” or “the right not to be dispossessed” as contained in the Tool Kit;
- Encouraging law reform, implementation of laws and training of judiciary, lawyers and police on gender issues, women’s rights, right to adequate housing and violence against women;
- Advocating for State regulation of private actors (e.g. companies, religious institutions, employers of domestic workers);
- Increasing cooperation and solidarity between women’s groups working on violence against women and on economic, social and cultural rights (including those working directly on the right to housing and land), development and environment.

### **B. Forced evictions**

49. Forced evictions often have a much greater impact on women because of the higher degree of contribution and commitment to sustaining the home as opposed to men, women’s perception of “home”, the role women play in the home, the fear women have of losing their home, and the fear women have of living in insecurity. Women are exposed to gender violence in urban slum evictions because women tend to be the main defendants, either due to their role in managing the household, which often makes them the only ones at home at the time of the eviction, or due to deliberate targeting by the community. The Special Rapporteur notes that forced evictions involving women, resulting from external forces or domestic violence, is a common issue for the mandates of both the Special Rapporteur on violence against women and the Special Rapporteur on adequate housing.<sup>10</sup>

50. The testimonies from regional consultations also highlighted the impact of having to consistently live with the threat of eviction and associated violence. Such burdens manifest themselves in both physical and psychological ways, reaching such extreme levels that many respondents claim they are comparable to forms of cruel and inhuman degrading treatment. To this extent it is important to recognize protection from forced evictions as a distinct element of the right to housing.

### **C. Homelessness**

51. Homeless people suffer from multiple problems, including social exclusion, vulnerability to social security debt, detention and imprisonment, and inability to access services that require proof of residency. Issues related to women and homelessness have been elaborated upon in the Special Rapporteur’s annual report to the Commission (E/CN.4/2005/48). In brief, addressing the problem of women’s vulnerability to homelessness must first address their access, or lack thereof, to the skills, resources and place in the community that allow for the securing of adequate housing. In many places, the lack of educational and employment opportunities for women often necessitates reliance on family, informal support networks, or a partner or spouse.<sup>11</sup>

A lack of security of tenure as well as the failure to recognize women's property rights within, outside and upon dissolution of marriage or domestic partnership is a major contributing factor. In settings where there is stigma associated with the perceived "breakdown" of marriage or domestic partnership, informal networks of care and support may disintegrate and further expose women to the risk of homelessness. Even where some level of community-based support is provided, whether through shelters or other social welfare measures, it is often insufficient.<sup>12</sup> In New Delhi, India, for example, there are an estimated 5,000 homeless women and yet there is only one shelter in the city dedicated to homeless women.<sup>13</sup> Additionally, many shelters across the world do not meet the specific needs of marginalized groups, such as women with disabilities.

52. To prevent further homelessness, it is critical that States meet their obligation of non-retrogression and refrain from reducing public housing stocks, reducing access to housing subsidies, and reducing access to redress for housing violations, in the face of continuing housing violations.

#### **D. The impact of culture**

53. Cultural norms and practices are particularly relevant when considering women's right to property and its connection with their right to adequate housing. The preliminary report recognized that the imposition of cultural and social norms on women served to undermine the legal guarantees of equality and non-discrimination afforded to women in accessing their rights to adequate housing.

54. Testimonies from the Pacific Regional Consultation, for example, highlighted the dominance of customary laws and practices over constitutional guarantees of equality, within both matrilineal and patrilineal societies. In relation to land and housing, many of the cultural and social norms are applied to decisions made within the family or clan, an arena where women often do not have equal rights to participate. Importantly, many of the customary forums for decision-making and redress are dominated by male leaders and do not provide the space for women to participate equally. This creates a significant obstacle for women seeking redress from the imposition of customary norms, particularly in countries where customary law is also legally recognized.

55. In many countries, custom dictates that property will be recorded under the man's name. Inheritance customs also commonly discriminate against daughters, wives and widows. In Kenya<sup>14</sup> and Tonga, women's rights to land and housing, as well as their right to marry, are limited by customary laws that terminate a widow's interests in land if she remarries or has a sexual relationship with another man. In Georgia, customary law provides that the majority of the family property will be inherited by the sons. Frequently, the diversity of non-formal households (e.g. common-law unions, extended families) or marriage separations are not considered in housing policies, thereby placing women's tenure security at risk. Women in common-law unions can lose their home if it is registered in the man's name and the loss of property can displace both the women and the children in their care. Additionally, the Middle East/North Africa consultations highlighted the impacts of a "culture of silence" that persists in relation to women's housing and land rights issues, which perpetuates the violence and discrimination in the region.



56. Bahrain has taken some positive steps to address such cultural practices, including a proposal by the parliament to ensure that allocated housing be registered in the names of both spouses, provision of microcredit schemes by NGOs for the purposes of improving women's housing conditions, and women's collective action to address common problems.

57. Some cultural practices favour women's inheritance over men's - for example, a north-eastern Indian tribe of Khasis follow a matrilineal system of inheritance, which provides that only the youngest daughter, or "Ka Khadduh" is eligible to inherit ancestral property. Other traditions centre around collective ownership of property, which ensured that women had a right to common resources, including land. However, colonialism, patriarchal individual titling systems and land market pressures have eroded customary collective property rights. This is evident in East Africa where colonial English law resulted in communal land holdings legally becoming the property of male household heads, while customary rules remained unchanged. This patriarchal trend is also evident in the components of customary law that State law incorporates; those that tend to subordinate women, such as restricted inheritance rights for women, are retained, while collective ownership and rights are dispensed with.

58. The Special Rapporteur, while respecting legal pluralism, stresses that human rights, including gender equality, must be respected in the application of law - be it customary, common, or State law.

#### **E. The right to property, inheritance and access to land**

59. In addition to the cultural factors mentioned above, women face numerous barriers to realizing their rights to property, inheritance and access to land. For example, in Kenya increasing poverty, largely associated with rural landlessness, is also leading to increasing disinheritance of widows. Exclusion of women from access to land pushes them towards the cities, where they often join the ranks of the increasing number of women-headed households in slum areas. In Kenya, for example, where women head 70 per cent of all squatter households, over 25 per cent of women slum-dwellers migrated from their rural homes because of land dispossession.<sup>15</sup> It is critical for poverty reduction strategies, anti-poverty policies and rural development and land reform programmes to specifically address women's rights to adequate housing and land.

60. Even where State law makes provisions for equal property rights, practical implementation often favours men. For instance, in the 1990s, Uganda's Constitution and land laws were amended to provide greater legal protection against property rights abuses, but in practice many women still suffer rampant abuses of their property rights. Women produce over 80 per cent of food, provide 70 per cent of agricultural labour, but own only 7 per cent of land. In Kenya, the land laws appear to be gender-neutral, but they are unequal in effect. By not specifying that women who have contributed to family property are entitled to claim a share of it, the law is interpreted to deny women their claims. Further, while the law recognizes men's traditional allocations, it fails to recognize women's traditional user rights to the land.

61. As elaborated on in the Special Rapporteur's report on homelessness, the right to land is inextricably linked to the right to adequate housing. For women too, the realization of the right to adequate housing is generally contingent on their right to access, own, and manage land. General recommendation No. 21 of the Committee on the Elimination of Discrimination Against

Women has focused its attention on the equal right of women to access, own and inherit land. It also stresses the right of women, regardless of marital status, to share redistributed land under agrarian reform programmes on equal terms with men.

#### **F. Multiple discriminations**

62. The Special Rapporteur has noted that a State's obligation to eliminate gender discrimination is one of *immediate effect* and failure to do so constitutes a human rights violation. To ensure that gender discrimination is adequately addressed, women's right to housing must be interpreted and implemented in ways that allow women to exercise and enjoy their right in a substantively equal approach. This cannot stop at formal, legislative equality, but must extend to address the economic and social disadvantage that women face. Thus laws, policies, and programmes, including affirmative action measures, must be designed to counter women's socially and culturally constructed disadvantage and create equality for women in terms of their material conditions, and thereby addressing individual as well as structural inequalities.<sup>16</sup>

63. It has been widely recognized that many women face multiple forms of discrimination, including on grounds of race, class, ethnicity, caste, health, disability, and other factors. In addition to the groups mentioned below, migrant women workers, women from descent- and work-based communities, domestic women workers, women in prison, sex workers, and lesbian and transgender women may face violations of their right to adequate housing because of their marginalized status. The Latin America and Caribbean consultation noted that women face intersecting discrimination for being poor and female, which often manifests itself in the linkage between domestic violence and lack of adequate housing and the exclusion from privatized social services. Participants emphasized that within this context, in spite of the role of private actors, the State is still the main actor responsible for the protection and realization of the right to adequate housing. National housing laws and policies should specifically accommodate the needs and rights of these marginalized groups. The particular problems faced by some groups of women facing multiple discrimination are outlined below.

64. Women with disabilities and mental health problems face significant barriers in accessing adequate housing. Houses need to be modified and made functional, and access to local services, including health and education services is critical. In Australia, of the 3.6 million people with disabilities (19 per cent of the population), 50 per cent are women. Many women with disabilities are unable to access high-paying employment, so the high costs of housing and health services they have to meet often make adequate housing unaffordable. In the United States of America and Australia, with the deinstitutionalization of services for people with disabilities, there has been a lack of corresponding government support for these people to adequately live in the community. This has particularly affected women with disabilities as they are less likely to receive vocational training and employment, but more likely to be sterilized and institutionalized than men with disabilities. In Argentina, the combination of mental health problems with the dimensional, spatial and functional housing conditions (e.g. overcrowding) have not been sufficiently researched, particularly for women who are largely housebound.

65. Indigenous women's rights to land and adequate housing are threatened by both historical forcible dispossession of lands, decimation of culture, violent conflict, large-scale development projects, destruction of settlements and populations, and the contemporary lack of recognition of self-determination and land rights. Colombia and Argentina, for example, provide constitutional

guarantees for the rights of indigenous women, but these have not been implemented through specific laws and policies. In Ecuador, indigenous lands are not sufficient for sustaining livelihoods because they are not legally documented, and the largest and best quality land is often owned by large monoculture agro-industries. In Australia, the Special Rapporteur on contemporary forms of racism found that non-indigenous people receive between 9 and 21 per cent more housing benefits than indigenous people, even though indigenous people's needs are greater (see E/CN.4/2002/24/Add.1). Indigenous women are discriminated against in accessing public housing and private rental, because they are stereotyped in the media as being violent, aggressive or anti-social. Indigenous women are incarcerated 20 per cent more than non-indigenous women, which impacts on housing rights and housing for family members.<sup>17</sup>

66. Female-headed households, particularly single mothers living in poverty, were identified as being one of the most vulnerable groups of women in several countries (Nicaragua, Argentina, Costa Rica, Australia, the United Kingdom). Female-headed households constitute 70 per cent of the world's homeless; 30 per cent of Argentinian homes are female-headed, and 70 per cent of them live in poverty. Many are unable to sustain regular incomes and most commonly work in the informal sector. They have limited access to land, loans and subsidies, or even to house-building programmes. Their participation in employment schemes and access to resources is limited by the demands of their multiple roles as workers and caregivers. Single mothers also face stigma in the community. In Uruguay, women from the "irregular" settlements are negatively stereotyped and socially excluded. In Australia, single mothers face discrimination in the rental market and workplace. They suffer disproportionate housing stress, often paying 50 per cent of their income for rent, and increasing debt places them at risk of homelessness. In Kenya, female-headed households are more likely to have inadequate water and sanitation. Poor single mothers, working in the informal sector, often as domestic workers, lack access to loans/subsidies and are therefore unable to access or own land. In Costa Rica, many female-headed households and Nicaraguan migrants live in precarious housing, prone to landslides, and the State has provided few solutions.

67. Regarding refugee women, war-induced displacement affects women in several ways, including through transformation of territories; forced abandonment of livelihood; rapid and unplanned urban growth; loss of citizenship, land, properties, and jobs; loss of community and family ties; higher levels of domestic violence; abandonment; and lack of protection for themselves and their children. Women are isolated and stigmatized, and many have to resort to begging to survive. Refugee women who gain asylum face even greater difficulties in host countries. Housing plays a critical role in the successful settlement and integration of refugees. Without appropriate and affordable housing, refugee women and their families remain on the periphery of society. Women refugees who have experienced torture and trauma experience short- and long-term impacts, which are triggered by lack of safe housing. In Australia, refugees face barriers such as lack of public housing (long waiting lists), high cost of private rental, lack of English-language skills and transport, discrimination from landlords, and lack of familiarity with government and community services. The stress in refugee families, caused by lack of adequate housing and other obstacles to resettlement, often manifests itself as domestic violence.

68. Widows are another marginalized group of women whose right to adequate housing is threatened as a result of the particular vulnerabilities they face from being subjects of intersecting discrimination on the grounds of their gender and widowhood, in conjunction with other factors such as age, disability, caste, poverty, etc. Upon becoming widows, women are

vulnerable to being denied their right to adequate housing because of the insufficient protection provided by laws to their right to inherit property, land and housing. Even where such laws may exist, the predominance of cultural practices which act to discriminate against women's rights to housing and land and most importantly inheritance, commonly prevent widows from having safe and secure housing (e.g. required to commit themselves to a life of celibacy, or undergo cleansing rituals or marry their husband's male relative in order to continue accessing the marital home and land). In many cases, widows suffer the indignities and violence meted out to them by their husband's family, in order to safeguard their children's rights to housing and land.

69. The Special Rapporteur will provide a more complete list of particular groups of women who face multiple forms of discrimination and recommendations for specific policy actions in his next report.

### **G. Legal recognition and implementation of women's rights to adequate housing and land**

70. As mentioned in the Special Rapporteur's 2003 report, there continues to be a lack of national implementing legislation for human rights treaties, including national housing laws, such as in Nigeria and Australia. The responses to the questionnaire show that the gap between legal recognition and implementation continues to be wide. There has been insufficient progress in State reform of gender-neutral laws to prevent gender discrimination and to specifically protect and fulfil women's human rights. There also remain significant conflicts in law in several countries in the Pacific and South Asia between equality provisions in constitutions and discriminatory personal, customary, succession, inheritance, land, and housing laws, which prohibit women's equal access to and ownership of housing and land.

71. In countries such as the United States of America, Australia and the United Kingdom, where there is a predominating view that land and housing is a private property issue, there is insufficient government regulation over access, use, and affordability to ensure that everyone is able to live in adequate housing. This particularly impacts vulnerable women (e.g. women with disabilities, single mothers living in poverty) who do not have equal access to employment, information and other resources necessary for participating effectively in the market. The lack of public housing and decreasing public housing stocks (combined with the increasing costs of housing), particularly in the United States and Australia is grave, especially for women who are fleeing situations of domestic violence, released from prison and living on low incomes. Globally, there is a shortage of Government-funded shelters and emergency accommodation for homeless women and girls and those escaping domestic violence.

## **III. RECOMMENDATIONS**

72. **The process of conducting this study has already yielded substantive resources (answers to questionnaires, regional consultation reports, the 2003 report, testimonies) as has other work from the mandate (mission reports, statements, conference papers).<sup>18</sup> Specific recommendations concerning the thematic findings can be found earlier in this report. Additionally, the Special Rapporteur would like to make the recommendations which follow in the paragraphs below.**

73. The Special Rapporteur reiterates his request to States to provide information, in response to the questionnaire from the Special Rapporteur, on steps taken to close the gap between recognition in law and policy of women's rights to housing and land and the implementation on the ground of these human rights.

74. Noting that the Millennium Development Goals provide an important opportunity for guaranteeing women's human rights, the Special Rapporteur recommends that States adopt a gender-equality approach in implementing the Goals, based on principles of substantive equality and intersectionality, in the articulation of the goals, implementation initiatives and indicators.

75. It is critical for States to specifically address women's rights to adequate housing and land in their poverty-reduction strategies, anti-poverty policies and rural development and land reform programmes.

76. A key recommendation of the regional consultations, fully supported by the Special Rapporteur, was for treaty bodies and special rapporteurs to elaborate on intersectional discrimination and substantive equality approaches to law and policy that affect women's human rights.

77. States, United Nations agencies and human rights mechanisms should also adopt an indivisible approach to promoting women's rights to adequate housing, by addressing the civil and political as well as economic, social and cultural elements of the right.

78. In addition, the Special Rapporteur recommends the following to States, United Nations agencies and civil society groups in order to advance women's rights to adequate housing, land property and inheritance:

- Human rights education, training and awareness raising for law-enforcers, State officials, judges, NGO representatives and media representatives;
- Providing assistance to women experiencing housing, land and property rights violations (e.g. food, shelter, medical aid, school fees, legal aid, loans) - including funding emergency and transitional accommodation and support services, tailored to meet different categories of women's needs (e.g. domestic violence shelters);
- Funding programmes to address the causes of interlinkages between violence against women and the right to adequate housing.

79. The Special Rapporteur hopes that the momentum generated thus far by the study and the enthusiasm shown from various quarters across the world will be supported by the Commission continuing its attention to women's rights to adequate housing. The Special Rapporteur requests, therefore, the Commission to:

**(a) Continue the mandate on women and housing and request him to submit his next report in 2006, including:**

- (i) Research on “affirmative action” in the context of the right to housing for particular groups of women and individual women and the impact of discriminatory planning and housing laws and policies on marginalized groups of women;**
- (ii) Model provisions protecting women’s rights to housing in housing and domestic violence legislation;**
- (iii) A compilation of good practices that demonstrate different strategies for the realization of women’s right to housing;**
- (iv) An analysis and list of best practices on how cultural practices related to women’s housing and land and human rights principles and laws need not necessarily conflict;**

**(b) Conduct additional regional consultations;**

**(c) Authorize the holding of an expert seminar to discuss and formulate recommendations on current uses of customary laws and practices and the role of custom in applying law in relation to women’s rights to housing and land, and to review the study and assist in the formulation of its recommendations;**

**(d) Reformulate the mandate to address interconnections of women’s right to adequate housing with women’s rights to land, property and inheritance.**

#### Notes

<sup>1</sup> See, for example, the work of Initiatives: Women in Development (IWID), India.

<sup>2</sup> See the work of the Economic Commission for Latin America and the Caribbean (ECLAC) on developing additional indicators for the Millennium Development Goals ([http://www.eclac.cl/mdg/db\\_en.asp](http://www.eclac.cl/mdg/db_en.asp)).

<sup>3</sup> UN-Habitat, *State of the World’s Cities 2004/2005 - Globalization and Urban Culture* (2004).

<sup>4</sup> For example, Hong Kong (as of December 2002) is home to 237,110 migrant domestic workers (MDWs) mainly coming from countries such as the Philippines, Indonesia, Thailand, Nepal, Sri Lanka, India, Pakistan, Bangladesh, Myanmar, Malaysia and Singapore. Connie Regaldo, Hong Kong, at “Regional Consultation on the Interlinkages between Violence Against Women and Right to Adequate Housing”, with the United Nations Special Rapporteur on adequate housing, Delhi, India, 28-31 October 2003.

<sup>5</sup> For the report of the meeting, see the work of the Global Program on Women’s Economic, Social and Cultural Rights ([www.hic-sarp.org](http://www.hic-sarp.org)).

- <sup>6</sup> For a report of the Conference and the Special Rapporteur's statement see: [www.wunrn.com](http://www.wunrn.com).
- <sup>7</sup> For a description of the Brazilian landless movements, see the report of the Special Rapporteur on his mission to Brazil (E/CN.4/2005/48/Add.3).
- <sup>8</sup> "Homelessness in the United States and the human right to housing: a report by the National Law Centre on Homelessness and Poverty", Washington, January 2004.
- <sup>9</sup> Information provided by Lawyers' Collective Women's Rights Initiative in India.
- <sup>10</sup> See United Nations Special Rapporteur on violence against women, 2000 report to the Commission on Human Rights on economic and social policy and its impact on violence against women (E/CN.4/2000/68/Add.5).
- <sup>11</sup> Barnett O.W. (2000), "Why battered women do not leave (Part 1): external inhibiting factors within society", *Trauma, Violence and Abuse* 1(4):343-372.
- <sup>12</sup> Morrow M., Hankivsky O. and Varcoe C. (2004), "Women and violence: the effects of dismantling the welfare State", *Critical Social Policy* 24(3):358-384.
- <sup>13</sup> United Nations, press release, "United Nations expert on housing 'deeply concerned' over forced evictions in Indian capital", 29 October 2004.
- <sup>14</sup> E/CN.4/2005/48/Add.2.
- <sup>15</sup> Marjolein Benschop, "Women in human settlements development - challenges and opportunities - women's rights to land and property", UN-Habitat 2004, paper for the Commission on Sustainable Development, April 2004.
- <sup>16</sup> The Montreal Principles on Women's Economic, Social and Cultural Rights (2002) developed by civil society experts in women's human rights, articulate the need for interpreting and implementing economic, social and cultural rights using a substantive equality and intersectional approach, which informs the discussion in this report on applying these approaches to women's right to adequate housing and land.
- <sup>17</sup> Coalition of Non-Government Workers, "Report to the United Nations Special Rapporteur on adequate housing: women and the right to adequate housing in Australia", Australia, August 2004.
- <sup>18</sup> See Alison Aggarwal, "Women's right to adequate housing: overview of the reports of the Special Rapporteur on adequate housing", August 2004.