



General Assembly

Distr.: General
26 December 2011

Original: English

Human Rights Council

Nineteenth session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Report of 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 in this context, Raquel Rolnik

Summary

This report focuses on the question of women and their right to adequate housing – looking at progress to date and further efforts needed – to ensure that women everywhere are able to enjoy this right in practice. Specifically, and so as to build on work previously done under the mandate, this report focuses on recent legal and policy advancements in the area of women’s right to adequate housing, including issues related to inheritance, land and property, as well as strategies for overcoming persistent gaps in implementation of those laws and policies. The report also presents a gender-sensitive analysis of the right to adequate housing and concludes with specific recommendations to States and United Nations agencies and human rights mechanisms to improve the enjoyment of this right for women worldwide.

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction	1–4	3
II. Women and the right to adequate housing: past and present.....	5–29	3
A. Results of the 2011 consultation of the Special Rapporteur on women and the right to adequate housing	8–17	4
B. Recent advancements for women’s right to adequate housing at international and national levels	18–29	6
III. Gender-sensitive housing law, policy and programming: the right to adequate housing from a gender-equality perspective	30–52	11
IV. Overcoming gaps in implementation.....	53–61	16
A. Awareness-raising and public education.....	55–58	17
B. Ensuring adequate legal enforcement and legal aid.....	59–60	17
C. Providing appropriate budgetary supports	61	18
V. Conclusions and recommendations	62–77	18

I. Introduction

1. The present report is submitted in accordance with Human Rights Council resolution 15/8, and constitutes the third annual report submitted to the Council since the current Special Rapporteur, Raquel Rolnik, assumed her functions on 1 April 2008. It focuses on the question of women and their right to adequate housing. For women across the world, the right to adequate housing is as yet unrealized. The status of women's right to adequate housing is central not only to understanding the female face of poverty worldwide, but also to understanding the dynamics of gender inequality itself, both within and outside the home.

2. The recognition and realization of every woman's right to adequate housing is necessary to ensuring that every woman is able to live a life with dignity. For millions of women, it is the home which is the centre of daily life, and, in many cultures, it is women who spend the most time at home. For women in particular, the status of their right to adequate housing is intimately connected to their security, health, livelihood and overall well-being.

3. However, adequate housing for women goes far beyond addressing basic material needs. Because of the close connection that exists between the right to adequate housing and the right to equality, adequate housing for women goes to the heart of social inequality and discrimination. When a woman is unable to access adequate housing and land mainly because she is a woman, she is not only affected in terms of her immediate material needs, she is also relegated to a subordinate and dependent position within society because of her gender. Ensuring that women have access to and control over, vital resources such as housing and land is essential to challenging and changing gender power structures and patterns of gender inequality which continue to oppress, exclude and relegate women to the margins.

4. Finally, while it is true that women and the home are still in many places closely connected for social and cultural reasons, to insist that a woman's right to adequate housing is upheld should not reinforce the old (and discriminatory) adage that "a woman's place is in the home". Rather, securing women's right to adequate housing ultimately ensures greater autonomy for women in all areas of their lives, and not less. Advocating on behalf of women's right to adequate housing is not about confining women to certain gender roles. Instead, it is about acknowledging that gender as a social construct fundamentally impacts the ways in which women and men experience their housing situations, and that in order for women to enjoy adequate housing on the basis of equality their needs must be understood and made visible within the framework of the right to adequate housing.

II. Women and the right to adequate housing: past and present

5. The focus on women and the right to adequate housing is not a new topic for the mandate of the Special Rapporteur. Indeed, significant work on women's right to adequate housing was done under the mandate of the Special Rapporteur between 2002 and 2006. The 2006 report on women and the right to adequate housing of the then Special Rapporteur offered the main findings stemming from an important body of thematic research, country missions, regional civil society consultations and information received from Governments and other actors on the status and implementation of this right.¹

¹ E/CN.4/2006/118.

6. During that period, regional civil society consultations were held with support from the Office of the High Commissioner for Human Rights, United Nations agencies, and non-governmental organizations.² Those regional consultations highlighted key issues related to women's right to adequate housing, most of which remain relevant today, including women's right to adequate housing and access to land in the context of HIV/AIDS; violence against women and its relationship to housing; the impact of forced evictions on women; gender discrimination in law, custom and practice related to housing (including discriminatory practices with respect to property and inheritance); as well as intersectional discrimination.³

7. Those consultations brought to light the specific difficulties that women, in every region, have to face in accessing housing and land. And, to make matters worse, far from being a place of safety and security, the home is too often permeated by violence. Women, those consultations highlighted, were likely to experience physical and sexual assault within the context of forced evictions. They also face insecurity and abuse within their own communities, including domestic violence. While the home should be a place of security, dignity, peace, and equality, for millions of women around the world the right to adequate housing has gone unfulfilled and unrealized.

A. Results of the 2011 consultation of the Special Rapporteur on women and the right to adequate housing

8. In 2011, the current Special Rapporteur decided once again to address the question of women and the right to adequate housing, in order to gauge what progress has been made in the advancement of this right for women globally since these first consultations were held.

9. A worldwide online consultation on women and the right to adequate housing was launched,⁴ supplemented by direct outreach to women's rights organizations and advocates across regions.⁵ The e-consultation served as a new opportunity to identify and make visible the multiple issues which women are currently facing in relation to housing.

10. The e-consultation harnessed the participation of approximately 300 organizations, networks, social movements, grassroots groups, advocates, academics, affected women, experts and others from across the world. While many of the issues documented by the earlier reports of the mandate remain relevant today, it is also clear that new challenges have emerged which threaten to turn back the clock for women and their right to adequate housing. At the same time, it is also clear that some notable advances, mainly in the field of new national legislation on women and housing, have occurred in different regions.

² The reports of these consultations are available at:
<http://www.ohchr.org/EN/Issues/Housing/Pages/WomenAndHousing.aspx>

³ E/CN.4/2006/118.

⁴ See: <http://righttohousingdebates.org/>

⁵ The Special Rapporteur would like to thank the following for their assistance in this work: Mariana Pires, Rodrigo Faria, and Joyce Reis (Brazil team); Mayra Gómez (project coordinator), Shivani Chaudhry (focal point for Asia), Mobola Fajemirokun (focal point for Africa), Leilani Farha with assistance from Narmeen Hashim (focal point for North America), Vanesa Valiño and Mariko Patti (focal points for Western Europe), Anelise Melendez Lundgren and Ana Falu with assistance from Kristen McNeill (focal points for Latin America), Salwa Duaibis (focal point for the Middle East and North Africa) and Tatjana Peric (focal point for Eastern Europe and Central Asia). The Special Rapporteur also wishes to thank all those who participated in the global e-consultation for their important contributions.

11. The e-consultation highlighted a host of issues which continue to impact the ability of women to enjoy their right to adequate housing or which otherwise have a disproportionate gender impact. In all regions, patriarchy and gender discrimination; poverty; and the impact of globalization, neo-liberal economic policies and privatization surfaced as overarching issues of concern which set the stage for violations of women's right to adequate housing. More specifically, the impact of natural and human-induced disasters, conflict and internal displacement, war and occupation, lack of affordable and low-cost housing, forced evictions, homelessness, domestic violence, lack of women's participation in law and policy-making, lack of access to remedies, inadequate and discriminatory laws, and the application of discriminatory customary law, all emerged as relevant barriers to women's right to adequate housing across regions.

12. Concerns also emerged which were more regionally specific. In Africa, urbanization, climate change, low levels of financial literacy amongst women, and the rising number of female headed households all emerged as key issues affecting the status of women's right to adequate housing in the African continent today. In Asia, as well as in Africa, the consultation revealed how women are negatively affected by the impact of the agrarian crisis, as well as by "land grabbing",⁶ further limiting women's already precarious access to, and control over, land and other natural resources. The e-consultation in Eastern and Central Europe highlighted the importance of recognizing intersectional discrimination as it affects certain groups of women, in particular vis-à-vis the segregation of Roma communities. In the Middle East and North Africa, lack of law enforcement; conflict and occupation; and discrimination against minorities all negatively impact women's right to adequate housing. In Western Europe and North America, key issues highlighted included inadequate supply of public housing and lack of government assistance for housing; lack of affordable housing; domestic violence; and discrimination against women on public assistance, women with disabilities, and women belonging to racial/ethnic minorities, including Indigenous women. And in Latin America, where the e-consultation highlighted many of the issues already mentioned – including discrimination in matters related to housing against indigenous and Afro-descendant women, lack of access to justice, and domestic violence – participants also highlighted the need for better statistical information related to women and housing, as well as the urgent need to close the implementation gap between policy and practice.

13. In addition the global financial crisis emerged as a key cross-cutting theme during the e-consultation. Within this context, cuts to public housing programmes are having a devastating impact for women in many countries across the world. For example, in 2011, the United States cut US\$2.8 billion from its federal housing programmes.⁷ These cuts to public housing programmes have hit women, and in particular ethnic minority women, women single heads of households, and women with disabilities, the hardest.⁸

14. The foreclosure crisis also has specific gender implications. Again, in the United States alone, researchers estimate that there were 2.5 million foreclosures from 2007 to

⁶ Land grabbing can be defined as the action of "taking possession of and/or controlling a scale of land for commercial/industrial agricultural production which is disproportionate in size in comparison to the average land holding in the region", FIAN, *Land Grabbing in Kenya and Mozambique* (April 2010), p. 8, available at:

<http://www.fian.at/assets/StudieLandgrabbinginKeniaMozambiqueFIAN2010.pdf>

⁷ See Department of Defense and Full-Year Continuing Appropriations Act, 2011.

⁸ See, inter alia, A/HRC/13/20/Add.4, para. 64.

2009.⁹ Due to gender-based discrimination in mortgage lending, women in the United States – and ethnic minority women, in particular – were 32 per cent more likely than men to be targets of sub-prime and predatory lenders, despite having on average higher credit scores.¹⁰

15. Similar concerns were also echoed across other regions. For example, in Spain, where foreclosures have soared during the last three years, women participating in the e-consultation reported that poor women and their families have been especially impacted, and that they continue to “experience the devastating effects of the economic crisis at close quarters.” As in other countries, those hit the hardest by cuts to social programmes have been those women already marginalized. The consequences of foreclosure for women are similar to what has been documented in terms of the impact of forced evictions, namely increased social isolation, increased exposure to domestic violence, and deepened poverty.

16. This negative impact has also certainly been felt by women living in other countries and regions. In Africa, for example, the consultation highlighted that since the onset of the global financial crisis, reductions in foreign aid, as well as foreign direct investments and remittances, have directly resulted in significant cutbacks in national-level housing programmes. In addition, the recent growth in land grabbing and the sale of formerly communal lands to foreign investors has made women’s access to land even more difficult, and also jeopardizes directly their rights to adequate housing, water and sanitation, food and health.

17. Urgent progress must be made if women are to see improvements in their actual housing situations. However, what we have seen is far from what is required. In fact, within the context of the global financial crisis there has been a worrying move away from human rights standards, such as those requiring allocation of the maximum of available resources towards the realization of the right to adequate housing, or prioritizing marginalized women in all matters related to housing law, policy and programming. Rather, the trend has been towards increased privatization and further deregulation of the housing market, a move which leaves millions of women at the periphery, unable to access adequate housing. This situation not only perpetuates women’s poverty, it also reinforces women’s second-class status and gender inequality itself.

B. Recent advancements for women’s right to adequate housing at international and national levels

18. While the financial crisis looms heavy, it is important to recognize that some significant legal, policy and judicial progress has been achieved in recent years which increasingly recognizes and protects women’s right to adequate housing. This section highlights some of the recent successes in the fight for women’s equal right to adequate housing, including on issues related to inheritance, divorce, land and property at international, regional and national levels. While not meant to be a comprehensive account of all of the advancements that have been made, each of the laws, policies, frameworks, decisions and/or judicial decisions highlighted below has had positive attributes from the standpoint of women’s right to adequate housing, as well as their right to equality.

⁹ Center for Responsible Lending (CRL), “Foreclosures by Race and Ethnicity: The Demographics of a Crisis”, CRL Research Report, prepared by Debbie Gruenstein Bocian, Wei Li, and Keith S. Ernst (18 June 2010). See also: A/HRC/13/20/Add.4, para. 64.

¹⁰ National Council for Research on Women, “NCRW Big Five: Women, Homeownership, and Sub-Prime Mortgages—A Need for Fair Lending Practices” Fact Sheet, (New York, 12 September 2011).

19. At the international level, the newly created UN-Women, the United Nations Entity for Gender Equality and the Empowerment of Women, has incorporated a specific goal on increasing women's access to economic empowerment and opportunities. This focus seeks, inter alia, to promote the adoption and implementation of laws and policies that expand women's economic assets and security, including laws and policies to guarantee equal access to land and property.¹¹ In addition, the recently created Working Group on the issue of discrimination against women in law and practice has been tasked by the Human Rights Council with promoting and exchanging views on best practices related to the elimination of laws that discriminate against women or are discriminatory to women in terms of implementation or impact. Doing so will contribute to ending gender discrimination in all parts of the world, as well as to ending systemic violations of women's right to adequate housing.

20. In addition, the most recent concluding observations adopted by the Committee on the Elimination of Discrimination against Women on Israel for the first time made explicit reference to women's "right to adequate housing."¹² In those concluding observations, the Committee also for the first time made explicit reference to the practice of "forced evictions", urging Israel to "revoke its policies allowing for and refrain from the practice of forced eviction and house demolitions, which negatively impact on the physical and psychological well-being as well as the development and advancement of Palestinian and Israeli Arab women."¹³ These recommendations help to conceptually link the contents of general comments 4 (1991) on the right to adequate housing and 7 (1997) on forced evictions of the Committee on Economic, Social and Cultural Rights to the non-discrimination and equality protections guaranteed under the Covenant.

21. One area in which new policies adopted in recent years have increasingly protected women's right to adequate housing is within the context of domestic violence.¹⁴ In Europe, for example, the Commissioner for Human Rights of the Council of Europe issued a recommendation on the implementation of the right to housing in 2009, advocating the adoption and implementation of national housing strategies by all Council of Europe member States.¹⁵ Section 4.3.6. of the recommendation deals explicitly with women and women victims of violence, calling upon States "to protect women victims of violence through specific legal and policy initiatives including the provision of specialized emergency shelters and other alternative housing."¹⁶ Section 5 also urges States to adopt national housing strategies that "apply a gender perspective, identify disadvantaged and vulnerable groups and include positive measures for ensuring their effective enjoyment of the right to housing,"¹⁷ and also to "adopt anti-violence provisions in housing legislation

¹¹ UNW/2011/9, para. 40.

¹² CEDAW/C/ISR/CO/5, paras. 28-29.

¹³ Ibid. para. 29(a).

¹⁴ The former United Nations Special Rapporteur on violence against women noted in her 2000 report (E/CN.4/2000/68/Add.5) that "Housing policy is directly related to issues of violence against women Lack of shelter facilities forces up to 30 per cent of women who have fled domestic violence to return to their homes and thus to violence." See also: United Nations Division for the Advancement of Women, Department of Economic and Social Affairs, *Handbook for Legislation on Violence Against Women* (New York, 2010).

¹⁵ Council of Europe, Recommendation of the Commissioner for Human Rights on the implementation of the right to housing (CommDH(2009)5) (Strasbourg, 2009).

¹⁶ Ibid., section 4.3.6.

¹⁷ Ibid., section 5.5.

and policies and ensure that domestic violence laws include provisions to protect women's right to housing, including the right to privacy and security."¹⁸

22. The recognition that women's housing security is vital to their ability to leave a violent relationship is spreading, and efforts have been made at national level, resulting in the promulgation of new domestic laws. For instance, in Serbia, according to article 198(2) of the Family Law adopted in 2005, courts can issue an order for the removal of the perpetrator from family housing, and they can also order that victims of domestic violence be allowed to stay in family housing, in both cases regardless of the ownership of housing.¹⁹ In Brazil, what has become popularly known as the "Maria da Penha Law" (2006) allows for the removal of the abuser from the home.²⁰ Additionally, the Indian Protection of Women from Domestic Violence Act (2005) explicitly recognizes the right of women victims of domestic violence to reside in a shared household, and provides that "every woman in a domestic relationship shall have the right to reside in the shared household, whether or not she has any right, title or beneficial interest in the same."²¹ In addition, the Act guarantees that a person suffering domestic violence "shall not be evicted or excluded from the shared household or any part of it by the respondent [i.e. the abuser] save in accordance with the procedure established by law."²²

23. Women's right to adequate housing is often denied or ignored within the broader context of family and marriage law. Equality in matters of inheritance is often denied for women and girls on the basis of custom and tradition, whether within the context of the death of a spouse, parent or other relative. This has important ramifications, as inheritance is a primary means by which wealth and resources are transferred within societies, as well as within families. To be excluded from the process of inheritance reinforces women's lack of autonomy and equality, and jeopardizes in a very direct way their right to adequate housing.

24. As awareness has grown, many countries have taken steps to amend their laws to ensure that women and girls are able to inherit housing, land and property on an equal basis with men and boys. In Sierra Leone, for example, equality in matters of inheritance is now provided for by a 2007 law,²³ while the Registration of Customary Marriages and Divorce Act of 2007 (amended in 2009) recognizes the right of women to acquire and dispose of property in their own right, and to enter into contracts.²⁴

25. In applying the law, the courts also have a critical role to play. In Kenya, recent judicial decisions referencing the Convention on the Elimination of All Forms of

¹⁸ Ibid., section 5.6.

¹⁹ Article 198(2) of the Family Law of the Republic of Serbia, 2005. Similar legal improvements have been noted in other countries of the region. In the Czech Republic, Act No. 135/2006 Coll. on Protection against Domestic Violence empowers the police intervening in domestic violence cases to ask the perpetrator to leave the household for ten days. In Bosnia and Herzegovina, the 2005 Laws on the Protection from Domestic Violence, adopted respectively in its Republika Srpska and the Federation of Bosnia and Herzegovina entities, both offer protection measures including removing the perpetrator from housing for a period of one to six months.

²⁰ Federal Law 11340, also known as the Lei Maria da Penha (Maria da Penha Law), of 7 August 2006. See Section 2, Article 22 on urgent protective measures.

²¹ The Protection of Women from Domestic Violence Act, No 43 of 2005, 13 September 2005. See Section 17 of the Act, on the right to reside in a shared household.

²² Ibid.

²³ The Devolution of Estates Act, 2007 [No. 21. 2007].

²⁴ The Registration of Customary Marriage and Divorce Act, 2009 [No. 1 of 2009]. In India, the Hindu Succession (Amendment) Act of 2005 removed provisions in the 1956 Hindu Succession Act which discriminated on the basis of gender.

Discrimination against Women have put to rest the persistent conflict between customary legal systems which deny women inheritance of family property on the one hand, and the guarantee of gender equality under the Kenyan Constitution on the other. In the *Ntutu* case (2008), for example, the Kenyan High Court heard arguments by the sons of the deceased that “Masai customary law of succession ... does not recognize the rights of the daughters to inherit the estate of their fathers.”²⁵ Here, the Court applied international human rights law, international covenants and treaties which have been ratified by Kenya, and noted the previous decision of *Rono vs. Rono*.²⁶ The Court found “the customary law which shall abrogate the right of daughters to inherit the estate of a father cannot be applicable as it shall be repugnant to justice and morality,” and upheld the right of the daughters to inherit equally from the assets of the estate.²⁷

26. Women’s right to equality in matters of inheritance is also relevant within the context of Sharia law, the application of which particularly affects women in the Middle East and North Africa. While Sharia law generally supports women’s rights to acquire, hold, use, administer and dispose of property, women and girls receive a lesser share than their male counterparts when it comes to matters of inheritance (generally half of what a male in the same position would be entitled to receive). Customary practices and traditional structures can also contribute to further aggravating the situation. A prime example is that women are often forced, due to social pressures, to renounce their already reduced share of the inheritance in favour of male members of the family. In order to discourage this practice, in the occupied Palestinian territory, the Deputy Supreme Judge of Palestine of the Head of the Upper Council of Sharia Jurisdictions issued a notice in 2011 in which he instructed relevant authorities to apply certain conditions before legalizing a woman’s renunciation of her inheritance share, including that at least four months pass after a person’s death before a renunciation of inheritance can be registered.²⁸ The notice also instructs the relevant authorities to verify the real value of the inheritance share, relying on an official report by three experts authorized by the municipality or local council. This new protocol is aimed at helping women to retain their inheritance shares and protecting women from losses as a result of reduced valuations of those shares.

27. In many countries, women are denied not only rights related to inheritance, but also their equal rights over marital property, effectively denying them any legal claim to housing whatsoever. The idea that rights over housing, land, property and inheritance fall exclusively within the male domain must be challenged. When looking at what works best

²⁵ In *Re The Estate Of Lerionka Ole Ntutu (deceased)* [2008] eKLR, High Court of Kenya at Nairobi, Succession Cause 1263 of 2000, decided 19 November 2008.

²⁶ In that case, sons of the deceased father claimed “according to Keiyo traditions, girls have no right to inheritance of their father’s estate.” The Court of Appeal, however, awarded equal shares of inheritance to all children regardless of sex, thereby upholding the principle that it is human rights standards which must prevail. See: *Rono v Rono & another*, Kenyan Civil Appeal No. 66 of 2002, decided 29 April 2005.

²⁷ In Uganda, the Constitutional Court in the case of *Law Advocacy for Women in Uganda v Attorney General* (2007), struck down sections of the national Succession Act as unconstitutional because of preference given to male heirs over female heirs, as well as other provisions which discriminated on the basis of sex. See: *Law Advocacy for Women in Uganda v Attorney General*, Uganda Constitutional Court, Constitutional Petitions Nos. 13/05/ & 05/06 [2007] UGCC 1, decided 5 April 2007. Most recently in Swaziland, in the case of *Aphane v Registrar of Deeds & Others* (2010), the High Court ruled that married women have a right to register property in their own name, rather than solely in their husband’s name. See: *Aphane v Registrar of Deeds & Others*, High Court of Swaziland, Civil Case No. 383/2009, decided on 23 February 2010.

²⁸ Notice number 57/2011 issued on 10 May 2011 by the Palestinian Supreme Judge, the upper council of Sharia jurisdictions, head of the higher council of Islamic jurisdiction.

for women, researchers have found that a full or modified community of property regimes which recognize joint rights with equal powers between spouses best protects women's right to adequate housing and to equality.²⁹ The Committee on the Elimination of Discrimination against Women in its recent concluding observations on Sri Lanka underscored this point when it noted "that discriminatory practices prevent women from acquiring ownership of land since only the 'head of household' is authorized to sign official documentation such as land ownership certificates and receive pieces of land from Government."³⁰ In that case, the Committee urged the Government to abolish the concept of "head of household" in administrative practice and recognize joint or co-ownership of land, and to amend its national legislation to ensure joint or co-ownership.

28 Women's access to and control over land is also a critical issue which connects in very real ways to women's right to adequate housing.³¹ At national levels, advancements in this area are also taking place. In Tajikistan, a joint effort of UNIFEM (now UN-Women) with the Government of Tajikistan, non-governmental organizations (NGOs) and other partners resulted in the establishment of the Coordination Council dealing with women's ownership issues, whose key task was to mainstream gender in Tajik land reform.³² In 2004, seven changes were made to the clauses of the national Land Code which previously discriminated against women.³³ Changes in the Land Code made it mandatory that all family members – women included – are now listed on land use certificates when families receive pieces of land from former collective farms.³⁴ Over the course of a few years, those changes coupled with media campaigns, the provision of free legal advice, and the collection of sex-disaggregated data, resulted in raising women's land ownership from 2 to 14 per cent.³⁵

29. In Africa, a region where the issue of women's access to and control over land emerged as a key theme within the consultation, the recent "Framework and Guidelines for Land Policy in Africa" also represents a positive new development from the standpoint of women's equal right to access and control land, with specific sections on strengthening the land rights of women.³⁶

²⁹ Canadian HIV/AIDS Legal Network, "Respect, Protect and Fulfill: Legislating for Women's Rights in the Context of HIV/AIDS — Volume Two: Family and Property Issues", 2009, pp. 3-15 to 3-27.

³⁰ CEDAW/C/LKA/CO/7, paras. 38-39

³¹ See also: A/HRC/7/16, Commission on Human Rights resolution 2005/25, and Sub-Commission resolutions 1997/19 and 1998/15.

³² Mirzoeva, Viloyat, "Gender Issues in Land Reform in Tajikistan", in *Economics and Rural Development*, Vol. 5, No. 2, 2009, p. 23.

³³ Articles 15(a), 37(c), 47, 66(4), 68(1), 68(7) and 71 of the Law of the Republic of Tajikistan on Amending the Land Code of the Republic of Tajikistan, 2004.

³⁴ Article 15(a) of the Law of the Republic of Tajikistan on Amending the Land Code of the Republic of Tajikistan, 2004.

³⁵ UN-Women, *Women's Land and Property Rights*. See also: Non-governmental Organizations of Tajikistan, *Tajikistan Shadow Report on the Realization of the Convention on the Elimination of All Forms of Discrimination against Women*, Dushanbe, 2006, pp. 14-15.

³⁶ African Union Commission (AUC), United Nations Economic Commission for Africa (ECA) and African Development Bank (AfDB) Consortium, "Framework and Guidelines on Land Policy in Africa: Land Policy in Africa: A Framework to Strengthen Land Rights, Enhance Productivity and Secure Livelihoods", Addis Ababa, Ethiopia (September 2010).

III. Gender-sensitive housing law, policy and programming: the right to adequate housing from a gender-equality perspective

30. Each of these advancements in law and policy represents an important achievement which ought to be celebrated. Yet, women throughout the world continue to face entrenched de jure and de facto barriers to the realization and enjoyment of this right. When it comes to women's right to adequate housing, much more needs to be done to ensure the effective domestication of human rights standards and the harmonization of national legislative frameworks with those international standards. In addition, the conceptual tensions which exist between "progressive realization" on the one hand (which is applicable to the achievement of substantive rights contained within the International Covenant on Economic, Social and Cultural Rights versus the immediate obligation of States to ensure that women enjoy their rights to non-discrimination and equality on the other (as guaranteed under both the Covenant and the Convention on the Elimination of All Forms of Discrimination against Women, as well as other relevant treaties) must be addressed.

31. It is clear that the legal and policy barriers to women's enjoyment of their right to adequate housing must be removed, and replaced by laws, policies and programming which take a focused and proactive approach. Legislative and policy measures must be put in place at national and regional levels explicitly prioritizing women's right to adequate housing. In order to assist States and other relevant actors in the development of gender-sensitive housing law, policy, and programming, the Special Rapporteur takes this opportunity to provide some guidance on a gender perspective on the elements of the right to adequate housing, through a gendered lens.

Security of tenure

32. Security of tenure, as a cornerstone element of the right to adequate housing, provides legal protection against forced eviction, as well as harassment and other threats. For women, security of tenure is too often tenuous and secondary because it is assumed to be achieved through their relationship with a male – be it their husband, father, brother, or son. This situation falls far short of the standard, and gaps in protection are easily exposed. For many women, once that relationship with a male family member is severed through death or divorce, they are immediately vulnerable to being forced out of their homes. As we know, this is the case for widows who are routinely "disinherited" after the death of their husbands, as well as for women victims of domestic violence where a woman's housing situation depends on her relationship to her abuser.

33. In addition, mass forced evictions which take place at the hands of State authorities or third party actors also impact women disproportionately.³⁷ In 2000, the then Special Rapporteur on Violence against Women wrote:

Violence occurring in relation to forced eviction starts before the eviction process. Psychological stress on learning about the eviction can destabilize the family atmosphere and cause emotional trauma. (...) During the eviction, verbal abuse and beatings, rape and even killing are common. The destruction of the home and the

³⁷ In its resolution 2004/28 on forced evictions, the former United Nations Commission on Human Rights recalled that while certain groups were more vulnerable to forced eviction because of social exclusion and discrimination, the fact remains that "women in all groups are disproportionately affected, given the extent of statutory and other forms of discrimination which often apply in relation to the property rights of women, including home ownership and rights of access to property of accommodation, and given the particular vulnerability of women to acts of gender-based violence and sexual abuse when they are rendered homeless." See also: E/CN.4/2004/48 and A/HRC/4/18.

destruction of property are further traumatic experiences. (...) Coping with injuries, the death of family members, inadequate housing or even homelessness, poverty, lack of community support when relocated away from the home town are all possible burdens that have to be taken on by women after eviction.³⁸

34. In order to ensure women's right to security of tenure, it is critical for States to refrain from the practice of forced evictions, and to protect women against forced evictions at the hands of private actors and third parties. In particular, the independent right of women to security of tenure should be explicitly recognized in housing law, policy and programmes, irrespective of their family or relationship status, thereby protecting women from forced evictions, including at the hands of community and even family members.

35. Where evictions are lawful under international human rights law, at no time shall acts of violence and harassment against women be tolerated. As the basic principles and guidelines on development-based evictions and displacement underscore, States must ensure "that women are not subject to gender-based violence and discrimination in the course of evictions."³⁹

36. Furthermore, in order to uphold women's right to security of tenure within the context of domestic violence, women who are victims of domestic violence must also be able to enjoy security of tenure, such that they are allowed to reside in their own homes – regardless of title or formal ownership – whereas perpetrators may be removed.

37. Housing law, policy and programmes should also ensure that women have the legal literacy and legal resources needed to effectively claim and enforce their rights within the context of eviction. Women must "have the right to relevant information, full consultation and participation throughout the entire [evictions] process, and to propose alternatives that authorities should duly consider"⁴⁰ and in the event of eviction "[w]omen and men must be co-beneficiaries of all compensation packages. Single women and widows should be entitled to their own compensation."⁴¹

Availability of services, materials, facilities and infrastructure

38. Adequate housing requires availability of services, materials, facilities and infrastructure, including access to water and sanitation; heating, cooling, and lighting; energy; washing facilities; food storage and refuse disposal; as well as emergency services. Taking into account women's perspectives on these issues is vital given the fact that women tend to spend more time at home, and are often disproportionately burdened with household chores which depend directly on the availability of such services, materials, facilities and infrastructure. There are interesting precedents for this type of gender-sensitive planning, as in the housing project *Frauen-Werk-Stadt* developed by the City of Vienna. This housing project received international acclaim for being a "housing project for and by women" and was designated a best practice for urban settlements by UN-Habitat and UNESCO.⁴²

³⁸ E/CN.4/2000/68/Add.5. On this issue see also E/CN/4/2006/118.

³⁹ A/HRC/4/18. See also: UN-Habitat, "Forced Evictions: Global Crisis, Global Solutions" (2011) p. 105.

⁴⁰ UN-Habitat, "Forced Evictions: Global Crisis, Global Solutions" (2011), p. 103.

⁴¹ *Ibid.*, p. 108.

⁴² The original project was built on a plot of 2.3 hectares where 357 flats were built in multi-storey blocks between 1992 and 1997 on an initiative of the Women's Office of the City of Vienna, based on designs by four women architects in co-operation with one woman landscape planner.

39. The issue of water demonstrates clearly the relevance of taking a gender-sensitive approach. It is now well-documented that it is women, more than men, who spend precious hours of each day on water collection for themselves and their families when water is not provided at home. Cumulatively, women in South Africa alone must walk the equivalent of a trip to the moon and back 16 times each day just to supply their households with water. However, when States adopt a gender-sensitive approach to water delivery and management, the situation for women can change dramatically, and for the better.⁴³

40. We also see the gender impact of lack of sanitation facilities for women, who are disproportionately exposed to face sexual assault on their way to use facilities. UN-Water has highlighted that:

“A focus on gender differences is of particular importance with regard to sanitation initiatives, and gender-balanced approaches should be encouraged in plans and structures for implementation, [T]he design and the location of latrines close to home may reduce violence against women, which may occur when women have to relieve themselves in the open after nightfall”.⁴⁴

41. Indeed, in its recent concluding observations on Kenya, the Committee on the Elimination of Discrimination against Women expressed concern over “the situation of women and girls living in urban slums and informal settlements and who are under threat of sexual violence and lack access to adequate sanitation facilities, which exacerbate their risks of being victims of sexual violence and impact negatively on their health.”⁴⁵

42. Water points and sanitation facilities must be made available and accessible to women, ensuring women’s rights to water and sanitation, as well as to health. In order to ensure that women’s needs are adequately reflected in housing law, policy, and programming, a human rights-based approach requires that women be able to participate in all stages of policy and programme development, so that they are able to give input into the kinds of resources most needed by them within their specific social and cultural context. For example, the recent Inter-Agency Standing Committee guidelines on addressing gender issues in the aftermath of Haiti’s earthquake of January 2010 highlighted that “it is essential that water and sanitation actors consult women and girls on the location of sanitation facilities to ensure that the route is safe; that latrines be well lit, lockable from the inside, and offer privacy.”⁴⁶

Location

43. In order for housing to be adequate it must be situated so as to allow access to employment options, health-care services, schools, childcare centres and other social facilities. However, if these resources are effectively unavailable to women due to gender-based discrimination or lack of gender sensitivity, they are of no practical benefit to women and women remain just as excluded as if those resources were not present. Therefore, housing law, policy and programming must assure that women and girls are also able to

⁴³ See inter alia: United Nations Division for the Advancement of Women, Department of Economic and Social Affairs, “Women and Water” (February 2005).

⁴⁴ UN-Water, “Gender, Water and Sanitation: A Policy Brief” (2006). This policy brief was developed by the Inter-agency Task Force on Gender and Water, a sub-programme of both UN-Water and the Interagency Network on Women and Gender Equality in support of the International Decade for Action, “Water for Life”, 2005–2015. See also: A/HRC/12/24, paras. 43-44.

⁴⁵ CEDAW/C/KEN/CO/7, para. 43.

⁴⁶ Inter-Agency Standing Committee, “Importance of Gender Issues in the Haiti Emergency” (21 January 2010).

benefit on an equal basis from these community resources, such that they are adequate, available and fully accessible to women and girls.

44. In this respect, researchers have found that “site planning and location, service arrangements, and the design of community facilities can be critical in easing the burden of women's double day. For example, site layouts can be planned to cluster several houses around a communal area. In [El Salvador], this layout has given rise to informal, collective arrangements for child care which would have been difficult to develop otherwise.”⁴⁷ On access to employment and livelihoods, researchers have also highlighted that housing location is particularly important for women’s employment: as they earn less, the cost and time of long commutes discourages formal employment, and access to markets is vital for typical informal occupations.⁴⁸

Affordability

45. In order for housing to be adequate, it must be affordable. The definition of what is affordable, however, is not gender-neutral and cannot be thought of as being the same for women and men. Throughout the world, the reality is that women on average earn less than men, accumulate less pension/superannuation support over a lifetime, and have less access to financial resources in general. In a world where housing is often accessed through markets and capital, what may be affordable for the average man may not be affordable for the average woman. In Europe, for example, Eurostat found a persisting gender pay gap of 17.5 per cent on average in 27 European Union Member States.⁴⁹

46. As such, when seeking to define affordability, it is important to take into account the gender disparity in income and access to financial resources, and to prioritize the allocation of social or public housing to those who are unable to meet the cost of housing, often women. Within the context of increased privatization of social services, it is also vital that the cost of housing itself be defined to include costs associated with realizing the right to adequate housing, including vis-à-vis rights to water and sanitation, energy supply, etc. Within the framework of housing law, policy and programming, women’s access to the financial resources needed to obtain adequate housing – including loans, credits, and/or vouchers, etc. – ought to be reflected.

Habitability

47. For women, habitability of housing has been linked to protection against violence within the home. Therefore, the notion of habitability for women must itself be interpreted in a gender-sensitive way, ensuring that housing is safe for women. The notion of habitability must also be sensitive to women’s disproportionate caregiving roles. These roles must be considered in the design of housing law, policy and programming. For example, in many parts of the world, it is women who cook and prepare meals. When cooking over open fires or traditional stoves fuelled by wood, animal dung or charcoal, it has been shown that women breathe in a mix of toxic pollutants and are particularly vulnerable to developing Chronic Obstructive Pulmonary Disease (COPD).⁵⁰ For women, this indoor smoke is responsible for half a million deaths each year, and millions more have

⁴⁷ Margaret A. Lycette and Cecilia Jaramillo, “Low-Income Housing: A Woman’s Perspective”, International Center for Research on Women (April 1984), p. 18.

⁴⁸ Ibid.

⁴⁹ European Commission, “Gender Equality: the Gender Pay Gap: The Situation in the EU”,

⁵⁰ World Health Organization, Fact sheet: Chronic Obstructive Pulmonary Disease (COPD), No. 315(May 2008).

their health suffer due to impaired breathing and respiratory disease.⁵¹ In the case of COPD, for example, one study in Xuanwei, China, where rates of lung cancer and COPD are strongly associated with household use of coal fires, researchers showed that simple measures, such as installing a chimney, dramatically reduced the incidence of COPD among women.⁵²

48. While the design of housing can be gender-sensitive, most often it is not. Scholars interested in feminist architecture have argued that:

“Despite this relationship of women to the home, they have little control over the nature of their housing. Architects and planners are usually men and, in the case of local authority housing estates, not of the class of those who actually spend most of their time in the flats and houses they design. It is women who bear the brunt of high-rise flats, estates with no open play spaces, inadequate laundry facilities, noise, vandalism and bad access to shops and transport. Cramped kitchens, damp, thin walls, broken lifts, dark and dangerous stairways and the numerous other consequences of low cost building, make taking care of the home and rearing young children doubly difficult and time-consuming.”⁵³

49. On the positive side, the design of housing itself can certainly encourage greater equality vis-à-vis enjoyment and use of domestic space.⁵⁴ An example of new ways of thinking about domestic space from a gender perspective can be seen through the development of housing projects which seek to promote non-hierarchical and more flexible uses of the home. For example, creating personal workspaces inside the home can support women who are more likely to engage in home-based income-generating activities. Another interesting development which can be found in certain policies relates to the design of kitchens, a traditionally female space which is often cramped and separated. The design of housing from a gender-sensitive perspective can better promote family integration, as well as a more equitable sharing of household responsibilities between women and men through openness and shared use of spaces.

Accessibility

50. In order to ensure that housing is accessible to all groups of women, it is similarly important for housing law, policy and programmes to reflect the needs of women who may be especially disadvantaged and who encounter intersectional discrimination, including widows, elderly women, lesbians, homeless women, migrant women, women with disabilities, women who may be single mothers or single heads of households, women living with or otherwise affected by chronic illnesses such as HIV/AIDS and mental health disorders, women belonging to racial/ethnic/linguistic minorities, domestic workers, sex workers, illiterate women and women who have been displaced.

51. Women who face intersectional discrimination are more vulnerable to losing their homes, and have more difficulty accessing adequate housing in the first place. In the case of women affected by HIV/AIDS, for example, advocates have shown how “One of the greatest obstacles HIV/AIDS infected women confront is their inability to secure property. Women’s inability to possess and manage property may result in their impoverishment,

⁵¹ Ibid.

⁵² Chapman, Robert S., He, Xingzhou, Blair, Aaron E., & Lan, Qing (2005). “Improvement in household stoves and risk of chronic obstructive pulmonary disease in Xuanwei, China: retrospective cohort study” *British Medical Journal* 2005, 331, pp. 1050-2.

⁵³ Sophie Watson and Helen Austerberry, “A Woman’s Place: A Feminist Approach to Housing in Britain”, *Feminist Review* (1981) 8, pp. 49-62.

⁵⁴ Special thanks to Graciela Dede for her assistance with this paragraph.

particularly in cultures which have a propensity to humiliate or shun HIV/AIDS infected women and girls. In many cases, subsequent to the HIV/AIDS related deaths of male partners or disclosure of their HIV/AIDS status, women are divested of their marital property, inheritance rights, livelihoods, and at times even their children, by relatives who forcibly evict them from their homes.”⁵⁵ Yet, access to housing and land can also serve as a pivotal means by which to improve the lives of women affected by HIV/AIDS. There is growing evidence to suggest that where women’s right to adequate housing is upheld, women are far better able to mitigate the negative impacts of AIDS, and that enjoyment of this right may even help to prevent further spread of HIV/AIDS by promoting women’s economic security and empowerment.⁵⁶ This example shows how the needs of women who are especially marginalized and disadvantaged must be prioritized.

Cultural adequacy

52. Culturally adequate housing allows for the expression of cultural diversity, yet too often women are excluded from being able to shape that cultural identity and to participate in traditional cultural decision-making structures. In order to ensure that women’s voices and visions are reflected, women must be able to effectively participate in defining what adequate housing means to them within their particular context, and to ensure that housing addresses not only their practical, material needs, but also their needs vis-à-vis autonomy, equality and dignity. In order to achieve this, women must be seen as partners in the creation and interpretation of cultural norms related to housing and land. The Kenya Legal and Ethical Issues Network on HIV and AIDS (KELIN) has spearheaded innovative efforts specifically designed to utilize cultural structures to protect women’s rights, including to adequate housing.⁵⁷

IV. Overcoming gaps in implementation

53. Legislation and gender-sensitive housing law, policy and programming are only the first step. Even where good laws and policies are in place, an important challenge remains in translating them fully into practice. Unfortunately, in terms of implementation, progress has remained slow. Indeed, during the consultation process for this report, it became clear that even in places where good laws exist, discriminatory social and customary norms continue to hinder the enjoyment of women’s right to adequate housing.

54. The existing gaps are complex and difficult to overcome as they are deeply rooted in culture, discriminatory social attitudes and practices, as well as weak or gender-blind systems which delay progress in the realization of the right, and fail to effectively make visible the existing barriers. Those challenges require more than ordinary efforts to enforce laws and put policies into practice; additional actions directed to provoke those changes in cultural patterns are required, and this can be obtained particularly through the combination of awareness-raising and public education, as well as through legal enforcement and legal aid, and provision of appropriate resources through the adoption of specific budgetary measures.

⁵⁵ The Centre on Housing Rights and Evictions (COHRE), *Shelter from the Storm: Women’s Housing Rights and the Struggle against HIV/AIDS in Sub-Saharan Africa* (Geneva, 2009).

⁵⁶ See: Richard S. Strickland, “To Have and To Hold: Women’s Property and Inheritance Rights in the Context of HIV/AIDS in Sub-Saharan Africa”, (International Center for Research on Women (ICRW) Working Paper (June 2004).

⁵⁷ The Kenya Legal and Ethical Issues Network on HIV and AIDS (KELIN), “Guide on Working With Cultural Structures to Resolve Disputes”, (December 2010).

A. Awareness-raising and public education

55. Awareness-raising and public human rights education are critical to the advancement of women's de facto enjoyment of the right to adequate housing, and must take place at multiple levels. Participants in the e-consultation from different countries and regions emphasized this point repeatedly, noting how "there is clearly a need for rights education at all levels of society so that access to adequate housing is understood and accepted as a basic human right" and how "we need information campaigns, not only among women but also among those in power too. ... training policymakers, police officers, judiciary on women's land and housing rights is also something gravely lacking ...".

56. With these gaps in mind, awareness-raising programmes and campaigns aimed at the general public ought to be launched, so as to challenge discriminatory attitudes which may be widely shared. Such programmes and campaigns should actively promote women's equality in all matters related to housing and land and combat these discriminatory attitudes within the broader society, which should be addressed through media campaigns, public education and outreach, and discussion of these issues within public forums.

57. Awareness should also be raised about women's right to adequate housing amongst key audiences, including traditional, religious and customary leaders; law-makers; lawyers, legal advocates, and members of the judiciary; law enforcement authorities; housing authorities and administrative personnel; gender ministries; and those engaged in the development and/or implementation of land policy and/or land reform. Each of these groups should be made fully aware of the norms protecting women's right to adequate housing at the domestic level, as well as those norms in international law.

58. Women must also be made aware of their right to adequate housing, both as it is recognized under domestic legislation as well as under the international human rights framework. This right should be actively promoted so as to ensure that women know what it entails in all aspects. However, it is also important to go beyond "rights awareness" so that women are actually able to know and understand what services are available locally to assist them in claiming their rights and holding actors accountable for violations of these rights. With the foundation of rights awareness, women must have a seat at the table of decision-making, so that they are able to effectively and meaningfully participate in all aspects related to the formulation, design and implementation of housing law, policy and programming.

B. Ensuring adequate legal enforcement and legal aid

59. In order to ensure proper enforcement and implementation, it is also important for the legal system to be accessible to women and itself gender-sensitive, and that it is specifically enabled to protect women's right to adequate housing. In this regard, it is vital for women to have access to affordable or free legal aid which can assist them in seeking justice and enforcing their right to a remedy. Women must also be able, should they so choose, to file legal complaints against the State as well as private and third-party actors for gender-discrimination in housing and other violations of women's right to adequate housing, and to have those complaints decided by a fair and impartial tribunal.

60. Adequate legal enforcement also requires that all human rights violations, such as forced evictions, disinheritance, violence against women carried out within the context of eviction be vigorously investigated, prosecuted and punished. Police units operating at the local level should be adequately supported to assist women with issues stemming from violations or potential violations of their right to adequate housing, such as property

grabbing and domestic violence, including the removal of perpetrators from the home and the recovery of stolen property.

C. Providing appropriate budgetary supports

61. The implementation of housing law, policy and programming often requires that adequate budgetary support be put in place in order to ensure effectiveness. In order to ensure that there are adequate financial and human resources allocated, processes of participatory budgeting which are inclusive of women's voices should be used. Women should be active participants in open and transparent budgeting processes related to all aspects of housing law, policy and programmes as well as land use plans. Gender-sensitive, detailed budget analysis of current housing programmes and land use plans should also be employed, so as to ensure better accountability of States in promoting and realizing gender equality, and in meeting their international human rights obligations.

V. Conclusions and recommendations

62. **In order to continue to advance the recognition, protection and enjoyment of women's right to adequate housing, as well as women's rights to non-discrimination and equality, States should adopt reinforcing strategies. These strategies should be targeted both at the articulation of domestic law, policy and programming which uphold women's right to adequate housing, as well as at effective implementation. In order to better protect and realize women's right to adequate housing, the Special Rapporteur offers the following recommendations.**

63. **The Special Rapporteur reiterates that States should design, adopt and implement gender-sensitive and human rights-based law, policy and programming which:**

(a) **Reflects international human rights standards related to women's right to adequate housing, and a gender-sensitive understanding of the elements of the right to adequate housing;**

(b) **Ensures accountability for actors who violate women's right to adequate housing;**

(c) **Facilitates women's empowerment, by creating awareness of women's rights;**

(d) **Prioritizes the needs of particularly vulnerable and/or marginalized women, including widows, elderly women, lesbians, homeless women, migrant women, women with disabilities, women who may be single mothers or single heads of household, women living with or otherwise affected by HIV/AIDS, women belonging to minorities, domestic workers, sex workers, illiterate women and women who have been displaced;**

(e) **Ensures that women are able to meaningfully participate in design, planning, implementing, monitoring and evaluation of housing law, policy, programming and budgets;**

(f) **Ensures that implementation of relevant law, policies and programmes is adequately supported in terms of both financial and human resources;**

(g) **Directs the maximum of available resources towards the realization of women's right to adequate housing, and;**

(h) Provides for the collection of gender-sensitive and gender-disaggregated data which can serve as a tool for evaluation and measurement of women's actual enjoyment of their right to adequate housing.

64. States should also amend or repeal domestic legislation related to family and marriage which discriminates against women, so as to ensure that women and men have equal powers in all matters related to housing and land. Seemingly gender-neutral concepts or standards which discriminate against women in practice – such as the application of the “head of the household” concept – should similarly be rescinded.

65. States should eliminate discrimination against women and girls in all matters related to inheritance, so they benefit from inheritance on an equal footing with men and boys. States should ensure that the application of customary law and practice does not interfere with the basic right of women and girls to gender equality, including in matters related to housing and land, such inheritance.

66. States must refrain from the practice of forced evictions, and protect women against forced evictions at the hands of private actors and third parties. Violence against women carried out within the context of eviction must be vigorously prevented and sanctioned.

67. States should also ensure that police units operating at the local level are adequately supported to assist women victims of property grabbing and domestic violence, including the removal of perpetrators from the home and the recovery of stolen property. States should also ensure that emergency shelters are available and accessible to women, and that women who are victims of domestic violence are specifically able to benefit from transitional housing programmes and social housing programmes.

68. Housing law, policy and programming should explicitly recognize the independent right of women to security of tenure, irrespective of their family or relationship status.

69. Housing law, policy and programming should also recognize joint or co-ownership of housing and land, and ensure that women have the legal literacy and legal resources needed to effectively claim and enforce their rights.

70. States should ensure that housing includes water points and sanitation facilities available for and accessible to women, ensuring women their rights to water and sanitation, as well as to health. States should also ensure that housing is adequately located in order to provide women with access to employment options, health-care services, schools, childcare centres and other social facilities, such that they are non-discriminatory, adequate, available and fully accessible to women and girls.

71. Definitions of affordable housing should take into account any gender disparity in income and access to financial resources, and prioritize the allocation of social or public housing to those who cannot afford the cost of housing. States should ensure within the framework of housing law, policy and programming that women are able to access other financial resources needed to obtain adequate housing, including loans, credits, and/or vouchers, etc.

72. States should actively promote women's equality in all matters related to housing and land and combat discriminatory attitudes within the broader society through media campaigns, public education and outreach, and discussion of these issues within public forums.

73. States should raise awareness about women's right to adequate housing amongst targeted audiences, including traditional, religious and customary leaders;

law-makers; lawyers, legal advocates, and members of the judiciary; law enforcement authorities; housing authorities and administrative personnel; gender ministries; and those engaged in the development and/or implementation of land policy and/or land reform.

74. States should actively promote women's right to adequate housing so as to ensure that women know what this right entails, as well as what services are available locally to assist them in claiming this right. States should also ensure that women have access to affordable or no-cost legal aid, which can assist them to seek justice when their right to adequate housing is violated.

75. The Special Rapporteur encourages the Committees on the Elimination of Discrimination against Women and on Economic, Social and Cultural Rights to provide continued normative advice on women's right to adequate housing, including on issues related to inheritance, land and property, and to pay special attention to conceptual tensions between the immediate obligations of States to ensure women's right to equality and the "progressive realization" obligation of Economic, Social and Cultural Rights. The Special Rapporteur also encourages the Committee on the Elimination of Discrimination against Women to adopt a general recommendation on women's right to adequate housing, including issues related to inheritance, land and property.

76. The Special Rapporteur encourages the recently established UN-Women to incorporate, in all its areas of work, support for initiatives aimed at protecting women's rights to adequate housing. In particular, the Special Rapporteur encourages UN-Women:

(a) To provide technical cooperation and support to Member States in order to ensure that women are able to exercise and enjoy their right to adequate housing; and

(b) To strengthen its partnership with civil society so as to contribute to the effective implementation and monitoring of human rights norms on women and adequate housing.

77. The Special Rapporteur encourages the Working Group on the issue of discrimination against women in law and practice to document best practices with respect to women and the right to adequate housing, within the scope of its mandate to promote and exchange views on best practices related to the elimination of laws that discriminate against women or are discriminatory to women in terms of implementation or impact. The Special Rapporteur also encourages the Working Group to make recommendations for the improvement of housing legislation and its implementation, within the scope of its mandate to contribute to the realization of the Millennium Development Goals, in particular Goal 3 on the promotion of gender equality and the empowerment of women.