

Women and Housing: The Challenge of Human Rights for Women

Jessie M Hohmann

PhD Candidate, University of Cambridge Faculty of Law

Women and the Home

Worldwide, women share a connection with the home that men do not. Not only do the lives of many women revolve around the home more closely than those of men, but ideologically, socially and culturally, the home is identified as the domain of the female. This is particularly true in the global South, where customary laws, religious practices and social stigmas often continue to tie women to the home in ways that have been overcome in the global North. But the home is also a positive place for women – a site of empowerment, social interaction and employment. Thus, the protection of human rights in and around the home has special significance for women.

Although the goal of the human rights project is that every individual should live in dignity and security, realisation of women's rights in and to the home pose specific difficulties. There are three related issues that underlie women's housing situation, and which must be addressed before women can realise full human rights in and to the home. These underlying issues are: poverty, the essential homelessness of women, and landlessness.

Poverty:

The 'feminization' of poverty has been well documented: women make up the overwhelming majority of the 1 billion people living in abject poverty.¹ This is despite the fact that women work hard: in fact, many women work a 'double shift,' performing the bulk of the labour at home and working at paid jobs. The work women perform in the house is often devalued or unrecognised, and their childbearing and childrearing obligations constrain their choices in the labour market, further entrenching their economic marginalization.²

In addition, women are often essentially without assets. Although this is a problem that plagues the poor of both sexes,³ women are particularly vulnerable because of the patriarchal basis of customary and colonial landholding systems and the difficulty women have in securing credit because much of their work is un- or underpaid.

Women's 'Essential Homelessness':

¹ United Nations Fourth World Conference on Women, *Platform for Action*, 15 September 1995 available at <http://www.un.org/womenwatch/daw/beijing/platform/plat1.htm#statement> at para 16.

² Kerry Rittich, 'Feminism after the State' in Isfahan Merali and Valerie Oosterveld (eds) *Giving Meaning to Economic, Social, and Cultural Rights* (2001) Philadelphia: University of Pennsylvania Press at 106-7.

³ See Hernando de Soto, *The Mystery of Capital* (2000) London: Black Swan.

In many legal systems – both customary and formal – a woman has no right to the home in which she lives. As a child, she lives in her father’s house at his will; as a wife, she lives in her husband’s house subject to the terms of her marriage and to her husband’s pleasure. As a widow, she will be dependent on the charity of her sons.⁴ While in many instances women experience loving and supportive relationships with their fathers, sons and husbands, in this situation they are always denied the *right* to the dwelling in which they live. One fourth of all households worldwide are headed by a woman alone,⁵ many of whom are forced to rely on the good will of their male relatives and their extended communities for a space in which to sleep and eat. For some, this charity is not forthcoming, and these women and their dependent children live in horrific situations, often on the streets.

Landlessness:

Related to women’s essential homelessness and to their poverty is the issue of landlessness. Women are often the primary workers of the land, tending the animals, tilling the soil and harvesting the crops. However, women are unlikely to own the land on which they work. While traditional land tenure systems in the global South were not always patriarchal, colonial land regimes invariably imposed a male-dominated landholding structure. Post-colonial pressures such as globalisation, industrialisation, and recently, climate change, have increased pressure on agricultural land, and with less arable land for a larger population, it is invariably the poorest that are left without land on which to base their livelihood.

Interconnected Challenges in the Realisation of Women’s Rights to Home

The interconnections among women’s landlessness, poverty and essential homelessness are self-evident. Justice Rajindar Sachar, former UN Special Rapporteur on the Right to Housing, has concluded that ‘the most crucial factor in the perpetuation of gender inequality and poverty is the continued discrimination faced by women in all matters of land and property.’⁶ Thus, in order for women to realise a right to a safe, secure home in which they can live a life of dignity and self-fulfilment, the underlying issues of landlessness, poverty and essential homelessness must be redressed.

Further Reading:

⁴ Rajindar Sachar, *The Realization of Economic, Social and Cultural Rights: The Right to Adequate Housing, Final Report Submitted by Mr. Rajinder Sachar, Special Rapporteur* E/CN.4/Sub.2/1995/12 (12 July 1995) at para 46.

⁵ UN Habitat, *Women and the right to adequate housing and to land and property*, Sub-Commission resolution 1997/19
http://www.unhabitat.org/downloads/docs/1378_44801_WR8.htm.

⁶ Rajindar Sachar, *The Realization of Economic, Social and Cultural Rights: The Right to Adequate Housing, Final Report Submitted by Mr. Rajinder Sachar, Special Rapporteur* E/CN.4/Sub.2/1995/12 (12 July 1995) at para 46.

United Nations Development Program, *Human Development Report 1995: Gender and Development* at <http://hdr.undp.org/reports/global/1995/en/>

Centre for Housing Rights and Evictions, *Sources 5: Women and Housing Rights* (2000) available at <http://cohre.org/store/attachments/COHRE%20Sources%205.pdf>

United Nations Fourth World Conference on Women, *Platform for Action*, 15 September 1995 (Beijing, China) at <http://www.un.org/womenwatch/daw/beijing/platform/plat1.htm#statement>

K Askin & D Koenig, (eds) *Women and International Human Rights Law* (Vol 1) (1999) Ardsley: Transnational Publishers.