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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

**Australia*, Austria, Belgium, Bulgaria*, Chile, Colombia*, Côte d'Ivoire*,
Cuba, Denmark*, Dominican Republic*, Ecuador, Finland*, France,
Georgia*, Germany, Greece*, Guatemala, Ireland*, Italy, Madagascar*,
Mauritius*, Mexico, Netherlands*, New Zealand*, Norway*, Pakistan,
Paraguay*, Peru, Portugal, South Africa, Spain Swaziland, Sweden,
Turkey*, Uruguay, Venezuela: draft resolution**

**2002/... Women's equal ownership, access to and control over land and
the equal rights to own property and to adequate housing**

The Commission on Human Rights,

*Guided by the Universal Declaration of Human Rights, the International Covenant on
Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights,
the Convention on the Elimination of All Forms of Discrimination against Women and the
International Convention on the Elimination of All Forms of Racial Discrimination,*

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), the Beijing Declaration and Platform for Action adopted in September 1995 by the Fourth World Conference on Women (A/CONF.177/20, chap. I), the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development held in March 1995 (A/CONF.166/9, chap. I, resolution 1), the Habitat Agenda adopted in June 1996 by the World Conference on Human Settlements (Habitat II) (A/CONF.165/14, chap. I, resolution 1, annex II) the report of the Ad Hoc Committee of the Whole of the twenty-third special session of the General Assembly (A/S-23/10/Rev.1), the report of the Ad Hoc Committee of the Whole of the twenty-fourth special session of the Assembly (A/S-24/8/Rev.1) and the report of the Ad Hoc Committee of the Whole of the twenty-fifth special session of the General Assembly,

Raffirming the human right to be free from discrimination and the equal right of women and men to the enjoyment of all civil, cultural, economic, political and social rights,

Recalling its resolutions 2000/13 of 17 April 2000 and 2001/34 of 23 April 2001, Commission on the Status of Women resolution 42/1 of 13 March 1998 and the resolutions of the Sub-Commission on the Promotion and Protection of Human Rights on the matter,

Welcoming the findings of the Special Rapporteur on violence against women, its causes and consequences, contained in her report entitled "Economic and social policy and its impact on violence against women" (E/CN.4/2000/68/Add.5) submitted to the Commission at its fifty-sixth session, that women's poverty, together with a lack of alternative housing options, make it difficult for women to leave violent family situations, and reaffirming that forced relocation and forced eviction from home and land have a disproportionately severe impact on women, and encouraging the Special Rapporteur to continue to take these findings into consideration in her future work,

Recognizing that laws, policies, customs and traditions that restrict women's equal access to credit and loans also prevent women from owning and inheriting land, property and housing and exclude women from participating fully in development processes, are discriminatory and may contribute to the feminization of poverty,

Stressing that the impact of gender-based discrimination and violence against women on women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing is acute, particularly during complex emergency situations, reconstruction and rehabilitation,

Recognizing that the full and equal participation of women in all spheres of life is essential for the full and complete development of a country,

Convinced that international, regional and local trade, finance and investment policies should be designed in such a way that they do not increase gender inequality in terms of ownership of, access to and control over land and the rights to own property and to adequate housing and other productive resources and do not undermine women's capacity to acquire and retain these resources,

Mindful of the fact that elimination of discrimination against women requires consideration of women's specific socio-economic context,

1. *Welcomes* the report of the Secretary-General submitted in accordance with Commission on Human Rights resolution 2001/34 (E/CN.4/2002/53);
2. *Reaffirms* women's right to an adequate standard of living, including adequate housing, as enshrined in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights and urges Governments to comply fully with their international and regional obligations and commitments concerning land tenure and the equal rights of women to own property and to an adequate standard of living, including adequate housing;
3. *Affirms* that discrimination in law against women with respect to having access to, acquiring and securing land, property and housing, as well as financing for land, property and housing, constitutes a violation of women's human right to protection against discrimination;
4. *Reaffirms* Commission on the Status of Women resolution 42/1, which, inter alia, urged States to design and revise laws to ensure that women are accorded full and equal rights to own land and other property, and the right to adequate housing, including through the right to inheritance, and to undertake administrative reforms and other necessary measures to give women the same right as men to credit, capital, appropriate technologies, access to markets and information;
5. *Encourages* Governments to support the transformation of customs and traditions 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, to ensure the right of women to equal treatment in land and agrarian reform as well as in land

resettlement schemes and in ownership of property and in adequate housing, and to take other measures to increase access to land and housing for women living in poverty, particularly female heads of household;

6. *Reaffirms* the obligation of States to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise and recommends that Governments encourage financial lending institutions to ensure that their policies and practices do not discriminate against women;

7. *Recommends* that international financial institutions, regional, national and local housing financing institutions and other credit facilities promote the participation of women and take into account their views in order to remove discriminatory policies and practices, giving special consideration to single women and households headed by women, and that these institutions evaluate and measure progress to this end;

8. *Encourages* Governments, specialized agencies, funds, programmes and other organizations of the United Nations system, as well as other international organizations and non-governmental organizations, to provide judges, lawyers, political and other public officials, community leaders and other concerned persons, as appropriate, with information and human rights education concerning women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing;

9. *Invites* the Secretary-General to encourage all organizations and bodies of the United Nations system, individually and collectively, in particular the United Nations Development Programme, the United Nations Human Settlements Programme (Habitat) and the United Nations Development Fund for Women, to undertake further initiatives that promote women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing, and allocate further resources for studying and documenting the impact of complex emergency situations, particularly with respect to women's equal rights to own land, property and adequate housing;

10. *Invites* the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees and other relevant international organizations, within their respective mandates, to address discrimination against women with respect to land, property and adequate housing in their cooperation programmes and field activities;

11. *Encourages* all the human rights treaty bodies, in particular the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women, special procedures and other human rights mechanisms of the Commission and the Sub-Commission on the Promotion and Protection of Human Rights regularly and systematically to take a gender perspective into account in the implementation of their mandates and to integrate the content of the present resolution into their work, as appropriate;

12. *Encourages* the United Nations Housing Rights Programme to take into account the content of the present resolution;

13. *Requests* the Special Rapporteur on the right to adequate housing as a component of the right to an adequate standard of living, within his mandate, to submit to the Commission at its fifty-ninth session a study on women and adequate housing;

14. *Decides* to consider the issue of women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing at its fifty-ninth session under the agenda item entitled "Economic, social and cultural rights".
