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COMMISSION ON HUMAN RIGHTS  
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**ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Austria\*, Canada, Croatia\*, Chile\*, Denmark\*, Finland, Germany, Guatemala, Honduras, Liechtenstein\*, Luxembourg\*, Mexico, Paraguay, Portugal\*, Spain\*, Switzerland\*, Thailand\*, Turkey\*, Uruguay\* and Venezuela\*:** draft resolution

**2005/... 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,*

*Reaffirming the Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women,<sup>1</sup> and the outcome document of the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century",<sup>2</sup>*

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

*Recalling* the United Nations Millennium Declaration and the declarations and programmes of actions of and follow-up processes to the United Nations world conferences summits held in Vienna,<sup>3</sup> Cairo,<sup>4</sup> Copenhagen,<sup>5</sup> Istanbul,<sup>6</sup> Durban<sup>7</sup> and Johannesburg,<sup>8</sup>

*Reaffirming* the Declaration adopted by the Commission on the Status of Women at its forty-ninth session as a follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly, which emphasizes that the full and effective implementation of the Beijing Declaration and Platform for Action is essential to achieving the internationally agreed development goals, including those contained in the Millennium Declaration, and stresses the need to ensure the integration of a gender perspective in the High-level Plenary Meeting of the General Assembly on the review of the Millennium Declaration,

*Recalling* its resolution 2004/21 of 16 April 2004 on adequate housing as a component on the right to an adequate standard of living, and resolution 2003/22 of 22 April 2003 on women's equal ownership, access to and control over land and the equal rights to own property and to adequate housing,

*Reaffirming* that all human rights are universal, indivisible, interdependent and interrelated and that women's equal ownership, access to and control over land and the equal right to own property and to adequate housing contribute to the full realization of human rights,

*Recognizing* that women, particularly women living in extreme poverty and victims of domestic violence, continue to suffer multiple or aggravated forms of discrimination, inter alia on the grounds of property, as well as from discriminatory treatment in all areas decisive to the attainment of adequate housing,

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

*Mindful* of the fact that elimination of discrimination against women and the achievement of substantive equality of women and girls require consideration of women's specific socio-economic context,

*Welcoming* the findings of the former Special Rapporteur on violence against women, its causes and consequences (see E/CN.4/2000/68/Add.5), in particular, the recognition 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, including when these are committed by spouses or in-laws, and encouraging the new Special Rapporteur to continue to take these findings into consideration in her future work,

*Recognizing* that poverty is a major obstacle to women's full realization of housing, land and property rights,

*Convinced* that the lack of adequate housing can make women more vulnerable to various forms of violence, including domestic violence, and in particular that the lack of housing alternatives may limit many women's ability to leave violent situations,

*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 Secretary-General has linked the growing prevalence of HIV/AIDS in women with laws that inhibit the full enjoyment of women's rights to land ownership and inheritance, and that he has called for positive change and attention to women's empowerment and protection of women's housing and land rights to make women less vulnerable to HIV/AIDS,

*Reaffirming* the Declaration of Commitment on HIV/AIDS, agreed to at the twenty-sixth special session of the General Assembly convened in 2001, which calls for all Governments to strengthen or enforce legislation, regulations and other measures to eliminate all forms of discrimination and to ensure the full enjoyment of all human rights and fundamental freedoms by people living with HIV/AIDS and members of vulnerable groups, in particular, to ensure their access to inheritance and legal protections,

*Recognizing* that laws, policies, customs, traditions and practices that act to 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 contribute to increasing the poverty of women and girls,

*Convinced* that international, regional and local trade, finance and investment policies should be designed in such a way that they promote gender equality 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,

*Also convinced* of the need to address specifically the impact of natural disasters on women's and children's adequate housing needs and to ensure that a human rights approach, including a gender perspective, is taken when addressing this impact,

1. *Welcomes* the findings of the progress report on the study on women and adequate housing (E/CN.4/2005/43) submitted by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and on the right to non-discrimination in accordance with Commission on Human Rights resolution 2003/22;

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 equality of women to own, have access and to control property, land and housing, irrespective of their marital status, and to an adequate standard of living, including adequate housing;

3. *Affirms* that discrimination in law and practice 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 and may affect the realization of other human rights;

4. *Reaffirms* Commission on the Status of Women resolution 42/1, which, inter alia, urges 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, including through access to housing subsidies;

6. *Calls upon* States to urgently address discrimination, inequality and historical injustices experienced by women in vulnerable situations, inter alia, indigenous women, in particular to secure their equal ownership, access to and control over land, and equal rights to own property and to adequate housing;

7. *Reaffirms* the obligation of States to take all appropriate measures, including special measures, inter alia those derived from their obligations under 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, to eliminate discrimination against women by any person, organization or enterprise, and recommends that Governments encourage financial and lending institutions to ensure that their policies and practices do not discriminate against women;

8. *Urges* Governments to address the issue of forced relocation and forced evictions from home and land and to eliminate its disproportionate impact on women;

9. *Recommends* that international financial institutions, regional, national and local housing financing institutions and other credit facilities facilitate 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;

10. *Invites* Governments to take further appropriate measures to address the increasing rate of homelessness or inadequate housing for women, including its underlying factors, such as gender inequality, HIV/AIDS, poverty and violence;

11. *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;

12. *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 (UN-Habitat), the United Nations Development Fund for Women and the Joint United Nations Programme on HIV/AIDS (UNAIDS), 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, documenting and addressing the impact of complex emergency situations and the HIV/AIDS pandemic, particularly with respect to women's equal rights to own land, property and adequate housing;

13. *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;

14. *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 as well as all United Nations bodies 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;
15. *Encourages* the United Nations Housing Rights Programme to take into account the content of the present resolution and to continue its regional consultations, with the participation of representatives of Governments, United Nations agencies, intergovernmental organizations and non-governmental organizations;
16. *Requests* 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, within his mandate, to submit a final report to the Commission at its sixty-second session containing the study on women and adequate housing;
17. *Also requests* the Special Rapporteur to specifically consider the impact of natural disasters on women's adequate housing;
18. *Further requests* the Special Rapporteur to cooperate with the Special Rapporteur on violence against women, its causes and consequences, in the elaboration of model provisions to protect women's rights in housing and domestic violence legislation, to ensure women's full and equal access to national legal aid schemes to protect their housing, land and property rights in cases of divorce, inheritance and domestic violence;
19. *Invites* all States that have not done so to respond to the questionnaire prepared by the Special Rapporteur;
20. *Decides* to continue its consideration of this question at its sixty-third session under the agenda item entitled "Economic, social and cultural rights".

### Notes

- <sup>1</sup> *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1.
- <sup>2</sup> Resolution S-23/3, annex.
- <sup>3</sup> Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993 (A/CONF.157/24 (Part I)), chap. III.
- <sup>4</sup> Programme of Action adopted by the International Conference on Population and Development on 13 September 1994, *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex; *Report of the Ad Hoc Committee of the Whole of the twenty-first special session of the General Assembly, Official Records of the General Assembly, Twenty-first special session, Supplement No. 3 (S-21/5/Rev.1)*.
- <sup>5</sup> Copenhagen Declaration on Social Development, adopted by the World Summit for Social Development on 12 March 1995, *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annex; *Report of the Ad Hoc Committee of the Whole of the twenty-fourth special session of the General Assembly, Official Records of the General Assembly, Twenty-fourth special session, Supplement No. 3 (A/S-24/8/Rev.1)*.
- <sup>6</sup> Istanbul Declaration on Human Settlements and Habitat Agenda, adopted by the second United Nations Conference on Human Settlements (Habitat II) on 14 June 1996, *Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul, 3-14 June 1996* (United Nations publication, Sales No. E.97.IV.6), chap. I, resolution I, annexes I and II; *Report of the Ad Hoc Committee of the Whole of the twenty-fifth special session of the General Assembly, Official Records of the General Assembly, Twenty-fifth special session, Supplement No. 3 (A/S-25/7/Rev.1)*.
- <sup>7</sup> Durban Declaration and Programme of Action, adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001 (A/CONF.189/12 and Corr.1), chap. I.
- <sup>8</sup> Johannesburg Declaration on Sustainable Development and Plan of Implementation, adopted by the World Summit on Sustainable Development on 4 September 2002, *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 1, annex and resolution 2, annex.

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