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**WUNRN Conference on "Role of Conflict Widows in Healing a Hurting World"
New Delhi, India
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**Statement by Mr. Miloon Kothari, Special Rapporteur on Adequate Housing UN
Commission on Human Rights**

"The right to an adequate standard of living, including adequate food, clothing and housing", has been widely recognised as an important human right in the Universal Declaration of Human Rights and the Covenant on Economic Social and Cultural Rights. The Covenant and the Convention on the Elimination of All Forms of Discrimination against Women, also recognise that women and men have equal rights to adequate housing, without discrimination.

As Special Rapporteur on Adequate Housing, the mandate set by the United Nations Commission on Human Rights requires me to specifically include a gender perspective in my work. In 2002, the Commission passed a resolution requesting me to submit a study on women's right to adequate housing (resolution 2002/49). I submitted the report in 2003, which the Commission accepted and then requested a second report on women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing' in 2005 (Resolution 2003/22).

In an effort to ground my work in women's experiences I have worked with women's groups in different regions in the world to organise regional consultations. So far consultations have been held in East Africa, Asia, Latin America, the Middle East and the Pacific. In each consultation, grassroots women and women's organisations have participated in a training session on the right to adequate housing, using the Habitat International Coalition-Housing and Land Rights Network Tool Kit, after which they present their testimonies. The testimonies have always been very rich in identifying the range of ways in which women are denied their right to adequate housing, land, property and inheritance.

One of the key issues that has emerged from the testimonies, which I wrote about in my first report to the Commission in 2003, was while the right to adequate housing is universal, the diversity of women and their experiences means the extent to which their right to adequate housing is realised varies. In particular I found that there were a number of marginalised groups of women whose right to adequate housing is threatened. Whether they are single mothers, women with HIV/AIDS, elderly women or women facing domestic violence. Widows were one of the marginalised groups I identified.

What has been key to understanding the vulnerability of marginalised women, has been the intersectional discrimination women can face as a result of the discrimination women face on the basis of their gender, in conjunction with other factors such as disability, ethnicity, age, sexual orientating etc. Poverty is also a critical overlaying factor that intersects with the other factors to deny women their right to adequate housing.

In 2003, we held the Asia regional consultation in India, on the theme of the interlinkages between violence against women and the right to adequate housing. We found that marginalised women who have less secure rights to adequate housing are particularly vulnerable to violence against women, including

occupation, women who have been forcibly evicted, women who have faced domestic violence, women who have faced ethnic, armed conflict, women migrant workers and domestic workers, girl children, elderly women, women living in extreme poverty, women with disabilities and women with HIV/AIDS.

The testimonies by widows from all regions have particularly highlighted the close and inter-related connection between women's right to adequate housing, and women's rights to land¹, property and inheritance.

In the Pacific, women shared testimonies of how widows have been evicted from their homes and their belongings destroyed by their husband's family- Others have had to commit themselves to a life of celibacy in order to continue accessing the marital home and land.

In Africa we heard of testimonies, where women have had to go through various cleansing rights or are forced to marry their husband's brother, in order to maintain their access to the family home.

In most cases, widows experience some form of gender based violence, along with the threats and acts of expulsion.

Many widows have suffered the indignities and violence meted out to them by their husband's family, in order to safeguard their children's rights to housing and land.

Upon becoming widows, women are vulnerable to being denied their right to adequate housing because of the insufficient protection provided by laws to their right to inheritance and property for land and housing. Even where such laws may exist the predominance of cultural practices which act to discrimination against women's rights to housing and land and most importantly inheritance, commonly prevent widows from having safe and secure housing.

In my report on women and housing to the Commission on Human Rights in 2003,¹ I found that the lack of implementation of laws and policies sustains the ongoing gender based discrimination that underlies such violations of women's human rights. This gap between the law and reality arises from the existence of gender-neutral laws, which do not always recognize the special circumstances of women. Gender biased customs and traditions as well as bias in the judiciary and public administration, results in the perpetration of male dependent security of tenure. Even where legal remedies may be provided, many women cannot afford legal remedies. Further, there is increasing concern about the violence used by State and non-State actors against women who attempt to secure their rights to adequate housing.

A call from all human rights groups, in particular women's groups, for stronger standard setting to secure women's right to inheritance, property and land in order to secure their right to adequate housing.

I call on States to take concrete steps to secure women's right to adequate housing by making serious attempts at implementation of existing laws and their international human rights commitments.

I have also produced a questionnaire, which has been disseminated to States and civil society groups, as a way of eliciting further information. I would urge you all to contribute any relevant information and case studies for my reports. Copies of the questionnaire and all my reports are available on the website at: www.ohchr.org/english/issues/housing or www.unhchr.ch/hosuing

I welcome the opportunity to contribute to this important conference and wish all of you success in your deliberations. I also offer the full support of my UN mandate to assist you in implementing the recommendations that emerge from this conference.