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

Written statement* submitted by the Centre on Housing Rights and Evictions (COHRE), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 August 2010]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The relationship between domestic violence and the right to housing

According to United Nations' statistics, globally nearly 1 in 3 women will be abused during her lifetime. COHRE's recent research on the relationship between domestic violence and housing has revealed that lack of access to adequate housing solutions, including emergency shelter, prevents victims of domestic violence from leaving their abusers. We believe that it is crucial for the Human Rights Council and the international community to respond effectively and coherently to the pervasive problem of domestic violence, ensuring that women fleeing violence have an adequate, safe housing alternative.

International human rights standards are clear when it comes to ensuring that victims of domestic violence are able to enjoy their right to adequate housing. Indeed, the right to adequate housing itself has been interpreted as encompassing a place to live in peace, security and dignity, followed on by more specific criteria, among them legal security of tenure and habitability. Clearly, women suffering from violence in their homes do not live in peace, security and dignity. They often times lack security of tenure and their homes cannot be said to be safe.

The former UN Special Rapporteur on violence against women, its causes and consequences, noted in her 2000 report: "Housing policy is directly related to issues of violence against women Women who are economically dependent on their partner or their family are often faced with the dilemma of being abused or being homeless. 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."

In 2003, the United Nations Special Rapporteur on the right to adequate housing described the close link between housing rights and violence against women as follows: "In most countries, whether developed or developing, domestic violence is a key cause of women's homelessness and presents a real threat to women's security of person and security of tenure. Many women continue to live in violent situations because they face homelessness if they resist domestic violence."

Women in Argentina, Brazil and Colombia told COHRE that they are often economically dependent on their abuser. This is not uncommon for women, particularly poor women whose work in and outside of the home either goes unremunerated or poorly remunerated. Even with a modest independent income, for most women this alone was not enough to equal economic independence. Indeed, in Latin America as in most of the world, the economic situation of women is a product of the historical and ongoing gender discrimination they suffer in patriarchal societies. Here, the traditional gendered division of labour has hampered the ability of women to access paid work on equal terms with men due in part to the unequal access of women to education and to formal employment. Consequently, the reality for many women, especially those in low income sectors, is that they depend on their male partners to cover most of the economic expenses necessary for day to day life, including costs related to housing. In some cases, women also reported to COHRE that they were forbidden by their husband to work, a classic form of economic abuse used by perpetrators in domestic violence situations to enhance their power and control over their victim. Of women interviewed who did work outside the home, only a small number did so in the formal sector. Some of these women were employed in shops, beauty salons or as teachers in schools.

Women living in informal settlements face particular challenges. Interestingly, women who were not living in overcrowded or otherwise inadequate conditions did not identify living conditions as a factor aggravating domestic violence. In contrast, women living in

slums noted that the tension caused by inadequate living conditions (such as overcrowding and lack of privacy) spurred outbreaks of violence. This is consistent with the finding of the United Nations Special Rapporteur on the right to adequate housing which highlighted:

...Women living in situations of domestic violence inherently live in inadequate housing, due to the violence they face within the home. Factors such as density, poor habitability and lack of accessible civic services (water, electricity, sanitation) can further contribute to increasing the vulnerability of women to domestic violence. Many women in such situations are unable to remove the perpetrator from the house, due to the lack of family, community and State support. Further, many women are prevented from leaving violent situations, because alternative housing and financial support are unavailable. The lack of secure tenure also contributes to a woman's decision to remain in an abusive situation. Many women who do manage to leave home become vulnerable to homelessness and further violence."

While it cannot, and should not, be said that inadequate housing conditions *cause* domestic violence, there is certainly evidence that these conditions can aggravate or exacerbate that violence.

COHRE has also visited battered women's shelters in Colombia, Brazil, and Argentina. The lack of battered women's shelters in these countries is striking. In Bogota, there is only *one* private shelter available to victims of domestic violence. In Porto Alegre the situation is the same, with only *one* shelter catering to the needs of battered women. In Buenos Aires, there are only *two* shelters run by the government where women can stay for a limited amount of time.

Emergency housing alternatives for women such as battered women's shelters are extremely important for women. At the same time, shelters alone do not ensure adequate housing to women in the long term. Women with whom COHRE spoke admitted that while shelters are important and life-saving, living conditions in shelters are often not ideal simply due to the disruption that living there causes to the lives of women and their children. Many women did not feel that they could stay at a shelter for long periods of time. Some women even spoke of tiring of life at the shelter. These women decided to return to their homes and resume their day to day lives, even if that meant returning home to their abuser.

The bottom line is: for victims of domestic violence, housing is not a peripheral issue, or an issue that can be postponed for resolution later on. Rather, for women who fear for their safety and for their lives, housing is an immediate and pivotal issue on which the question of escape itself rests. The current situation, wherein women must choose between a life on the street, or a life with a violent abuser, is entirely unacceptable. It is a situation which runs counter to internationally recognized human rights standards and principles, and which must be addressed and corrected by States as a matter of priority. It is not always easy for women to leave their abuser; and it is not easy for a whole host of reasons. But, lack of housing alternatives should never be one of those reasons.

Therefore, COHRE calls on the Human Rights Council to:

- Continue developing gender-sensitive standards on the right to adequate housing
 - In particular, such standards should develop and illustrate the clear link between the right to adequate housing and the right to live free from domestic violence, and establish concrete protections for victims of domestic violence in relation to housing.
- Request States via the Universal Periodic Review process to provide information related to the housing rights protections for women victims of domestic violence, and the status of implementation of housing related policies and programs aimed at

assisting this group of women. It is similarly important to deepen the analysis of public policies on housing from a gender-sensitive perspective.

- Urge States to strengthen their domestic violence legislation at national levels, in particular, so that such legislation explicitly guarantees the right to adequate housing for victims of domestic violence.
 - Such policies should guarantee women fleeing abuse a place to live with their children, and a minimum of financial resources that will allow them to achieve an adequate standard of living.
 - It is essential to develop and deploy policies and programs for immediate assistance to women who need to leave their homes, or have already left their homes due to domestic violence.
- Urge States to ensure adequate attention to the needs of women victims of domestic violence within the scope of their housing policies and programs. Here it is critical for States to establish programs which prioritize provision of adequate, safe housing to women victims of domestic violence, taking into account the unique obstacles they face.

COHRE also urges the Special Rapporteur on the Right to Adequate Housing and the Special Rapporteur on Violence against Women to continue to highlight within their respective mandates the relationship between women's right to adequate housing and their right to live free from gender-based violence, including domestic violence. COHRE specifically encourages the articulation of international standards aimed at safeguarding women's right to adequate housing, including Guidelines for States, with the understanding that the right to adequate housing itself serves as an essential precondition for women to be able to live a life of dignity, free from domestic violence.
