Since the 1960s, Latin America has held the dubious distinction of being the world leader in inequality – not only in the unequal distribution of income, but also in education, health, housing, public services, employment, police and judicial treatment, and political participation. By the year
2000, 226 million people in Latin America were poor, and 192 million people were living in extreme poverty, unable to meet basic daily needs. In other words, 44 per cent of the total population of Latin America are poor, while almost 22 per cent are living in extreme poverty. In addition, Latin America continues to be the most unequal region in the world in terms of income distribution. In 1990, the richest 20 per cent of the region’s population received 60 per cent of the total income within the region, while the poorest 20 per cent received only 3 per cent of the total income.

For women in Latin America, the housing rights challenges that they face are diverse. In 2003, the former UN Special Rapporteur on the right to adequate housing held a regional consultation on women's housing rights in Latin America and the Caribbean. The consultation highlighted several challenges in the region, including forced evictions and displacement, inadequate housing conditions, gender inequality in housing, segregation and discrimination against indigenous and afro-descendent groups.

Constitutions in Latin America have recognised the equal rights of women and men. Rights pertaining to property are enshrined in civil codes throughout the region, and most of civil codes have been revised to acknowledge the rights of both women and men. Nonetheless, titling programs usually confer land titles to men because they are viewed as the head of the family although property titles in the names of both spouses are permitted in domestic laws. For example, under the Brazilian Constitution, women are technically granted equal rights to men. Still, COHRE has documented that while women in Brazil have de jure right to land, in reality they are unable to realise this right due to customary laws that discriminate against them and favour allocation of land to men.
Women’s housing rights are protected at the regional level in Latin America through the Inter-American Human Rights system. Under these regional human rights treaties, women are protected against discrimination on the basis of sex, and Latin America also has a specific treaty addressing violence against women. The American Convention on Human Rights itself enshrines a number of rights relevant to housing, and stipulates that States shall “adopt measures ... with a view to achieving progressively, by legislation or other appropriate means, the full realization of the rights implicit in the economic, social, educational, scientific, and cultural standards set forth in the Charter of the Organization of American States ....” The Charter of the Organization of American States, in turn, stipulates that States shall devote the maximum of their available resources to providing adequate housing for all sectors of the population.

Maria Eugenia Morales de Sierra vs. Guatemala

In the case of Maria Eugenia Morales de Sierra v Guatemala, (Case 11.625, 2001) the Inter-American Commission on Human Rights considered the gender-based distinctions established in various Guatemalan laws the rights of women. As a married woman, Maria challenged legal provisions that restricted, *inter alia*, her legal capacity, her access to resources, her ability to enter into certain kinds of contracts (relating, for example, to property held jointly with her husband), to administer such property, and to invoke administrative or judicial recourse. She noted that these restrictions reinforced systemic gender discrimination which impede a range of women’s rights and freedoms. Ultimately, the Commission sided with Maria in finding that provisions under Guatemala’s laws did indeed contravene obligations under the American Convention on Human Rights to uphold gender equality.
The movement to claim the ‘Right to the City’ is an emerging global movement with its roots in Latin America. The World Charter for the Right to the City recognises the equal rights of women, and the need for cities to take a gender-sensitive approach to governance, planning and the provision of housing and services.

For example, Article XIV of the Charter for the Right to the City provides that “Cities should include women in the possession and ownership documents issued and registered, regardless of their civil status, in all public policies developed related to land and housing distribution and titles.” Article XIV of the Charter also provides that “Cities should promote the installation of shelters and social rental housing for female victims of domestic violence.”

Women and the Right to the City

Daily Life in the Slums: One Woman’s Story

“I came to Buenos Aires all by myself, no husband or family, looking for better living conditions. The worse part was finding a place where to live. Finally, I rented a room in a crowded house in the oldest part of the slum. At that time, safety was one of my biggest concerns. As a woman, all by myself, I feared something could happen to me. However, immediately I became friends with other women that helped [me] to get a job and a better kept company. The support from other women and friends was very important to get through.”

– Testimony provided to COHRE from a woman living in Villa 31 bis Slum (Buenos Aires, Argentina)
Women, Slums and Urbanisation in Latin America

Latin America is the world’s most highly urbanised region, with 77 per cent of the population living in the cities as of 2005. Indeed, the region has some of the largest cities in the world today, including Mexico City and São Paulo. The high rates of urbanisation are in part a result of a demographic explosion and rural migration due to the absence of consistent agrarian reform in the region.

A majority of poor people in the region live in urban areas. Latin America accounts for 14 per cent of the slum dwellers of the world, with an estimated 128 million people living in urban slums throughout the region. By the 1990s, six of every ten poor persons in the region lived in urban areas.

One of the major challenges in the region is the growing urban poverty among women. Women are disproportionately represented among the region’s poor, and women living in slums usually work in the informal sector of the economy, without job security or benefits.

Inadequate Housing and Access to Services and the Right to the City

Women in Latin America constitute the majority of lowest income earners, earning 30 per cent less in income than their male counterparts. Persistent economic inequality between women and men directly impacts women’s ability to access adequate housing. Not only are women often unable to afford the cost of rent and housing in urban centers, they also suffer from restrictions when trying to access loans, credit, and mortgage schemes, and they are excluded in practice as beneficiaries of social housing programmes launched by governments.

COHRE’s own research in the cities of Latin America has revealed that inadequate housing conditions effect women more than men because most often, it is women who are charged with the care of the home and raising the children. In addition, insecure environments expose women to gender-based violence, including sexual assault.
Making the Link: Domestic Violence

Under international human rights law and standards, victims of domestic violence have the right to live free of violence, and to have access to legal protection and redress. Victims also have a right to the resources necessary to support themselves and their children, including the right to adequate housing. Nonetheless, lack of access to safe, alternative housing is too often a major factor in keeping women trapped in violent relationships. This is true for women all across the world, regardless of whether they are living in developing or developed countries.

COHRE’s research in Latin America has revealed that victims of domestic violence face the stark choice of either living on the street or being beaten by a partner. In many cases, victims of domestic violence have difficulty accessing alternative housing because of an abhorrent lack of domestic violence shelters, transitional housing programmes, and public or market rate housing which is affordable to poor women.

Victims of domestic violence are also routinely denied access to

Brazil’s Law on Domestic and Family Violence

Domestic violence is closely linked to issues of housing security. Women interviewed by COHRE in Brazil noted two important aspects: First, domestic violence is sometimes a cause for women to move into Brazil’s favelas, or slums. Violent environments and the lack of immediate solutions force women to leave their home in order to find a place far from the perpetrator. In this context, it takes a great deal of courage for women to leave family and friends behind, moving to an unknown place to escape the abuse.

Second, women also face domestic violence in the favelas. In this situation, many women are prevented from leaving violent homes because they do not have alternative housing, and they are financially dependent on their husbands.
housing due to discrimination on the part of landlords and others who do not want to rent to women fleeing situations of violence for fear of aggravating the abuser. It is imperative that the housing security of these women is adequately ensured, so that access to housing does not become a barrier for women seeking to leave abusive situations.

Law 11.340 is known in Brazil as the ‘Maria da Penha’ Law in honour of a survivor of domestic violence who lived through two murder attempts by her husband and became a symbol of the scourge of domestic violence within the country.

Maria da Penha brought and won a case against Brazil before the Inter-American Commission on Human Rights, which found that the government had failed to adequately protect her rights as a victim of domestic violence. Law 11.340 was adopted by the government of Brazil in August 2006, and the law defines domestic violence as a human rights violation.

In addition, the law provides for significant changes both in the definition of violence against women and in the legal, police, judicial, and social assistance sectors and processes aimed at preventing and punishing domestic violence. In cases in which a woman has to leave her house to protect herself against domestic violence, her property and goods are protected from illicit sale, renting or transfer. In cases of illicit appropriation by the aggressor, her belongings are to be given back to her in full.

“For many years, I was a victim of domestic violence. My husband came home at night and was aggressive with me and our children. ... The biggest problem I had was that I had nowhere to go, and I could not force him to leave. I could not just leave myself with three small children.

Fortunately, the new [domestic violence] law and the special police for women banned him from coming to this house again.”

- Testimony provided to COHRE by a woman living in the slums of Brazil
Indigenous peoples and Afro-descendants in Latin America face entrenched discrimination throughout Latin America, and have struggled to claim their human rights to their traditional land and way of life. According to the United Nations Permanent Forum of Indigenous People “Indigenous women are often the most marginalised sector of the societies in which they live. Compared with non-Indigenous women, they are denied education and health services at much higher rates and endure higher incidences of poverty, preventable diseases, gender-based violence and maternal mortality.” The recently adopted United Nations Declaration on the Rights of Indigenous Peoples recognises and reaffirms the rights of indigenous women, both individual and collective.

The Land Rights of Indigenous Women and Afro-Descendent Women

Brazil

In 2004, the UN Special Rapporteur on Adequate Housing undertook a mission to Brazil. In the final report on that mission, the Special Rapporteur noted that poverty is a major obstacle to the full realisation of women’s right to adequate housing. The Special Rapporteur also highlighted that – in addition to burdens faced by all women in accessing housing and land – Afro-Brazilian women, indigenous women, and women living in the slums continue to face multiple forms of discrimination and are in need of targeted attention to improve their situation. He recommended that priority be given to providing housing security and services to women living in inadequate conditions.
Displacement in Latin America

Colombia

Afro-Colombians and indigenous Colombians represent about a quarter of all the internally displaced in Colombia, even though they make up only 11 per cent of the total national population. Displaced women and girls face unique problems at all stages of displacement, largely due to the prevalence of gender-based violence and gender-based discrimination. This violence occurs mainly at the hands of the warring parties, but is also perpetrated by community-members and family-members.

Displaced women in Colombia interviewed by COHRE spoke openly of the violence that had played a role in their being forced to flee their homes. Many spoke of long, arduous journeys through the Colombian countryside, enduring dangerous and desperate situations, often with young children in their care. After arriving in a city environment, these women continue to face great difficulties. They spoke of being unable to obtain the most basic social services, such as adequate housing, water and electricity, and of continuing violence and intimidation in their communities.

Argentina

While women in Argentina enjoy formal equality under the law, they do not enjoy equality in practice. And, while Argentina does have national institutions aimed at ensuring women’s rights, these institutions do not include housing issues under the umbrella of their work. Gender-neutral laws and housing policies in Argentina fail to take into account the unique needs and circumstances of women, and in general fail to protect them from the gender-specific violations of their housing rights which they face. As such, it is important for authorities in Argentina to take positive action to protect women's housing rights, including through the provision of credits and low-interest loans. The State should also collect disaggregated data on the status of women’s housing rights, and take prudent steps to address the housing needs of specific groups of women, including immigrant women, women employed as domestic workers, and women who are victims of domestic violence.
Women suffer gender discrimination in the form of social attitudes that constrain their ability to claim and enforce their rights in several respects, including rights to housing, land, property and participation in public forums. There is often a general social acceptance of women’s inferior role, even in reference to language, and these social attitudes can have serious implications for the realisation of women’s rights.

In order for women’s human rights to be realised in practice, it is critical for women to participate in decision making forums and to have a role in shaping and informing the public policy decisions which affect them. Participation and wide consultation are important not only to ensure that legislation is responsive to women’s needs, but also to encourage broad-based support assisting implementation of pro-women reforms.

In cases of forced eviction, States must also ensure that women are effectively consulted with, and that they are allowed to participate in all discussions related to relocation, resettlement, upgrading and/or community titling processes.

In the words of the former UN Special Rapporteur on the right to adequate housing, “If women are to exercise their rights, they must have full knowledge and information.”

Throughout Latin America, as well as other parts of the world, women too often remain unaware of their housing rights. Supporting local activism on behalf of women’s housing rights is a key strategy, and increasing the capacity of local constituencies to advocate on behalf of women’s housing rights is exceptionally powerful. In particular, providing accessible and participatory housing rights training to women and their advocates, which specifically addresses the lived realities of women, is critical to advancing a global movement for women’s housing rights. Such information can help local advocates to develop practical skills for monitoring violations of women’s housing rights.
Women’s Housing Rights in Latin America

When States incorporate women’s housing rights in their domestic laws, States fulfil their international legal duties and make it possible for women to finally realise their rights in practice. Still, as the Latin American experience demonstrates, legal recognition of women’s equal rights is only a first step. States must also ensure adequate implementation of the law, providing for legal accountability and access to justice to those women whose rights have been infringed.

Latin America has many strong women's rights organisations, and many of these organisations are successfully exploring the interrelatedness between women’s housing, land and property rights violations and other violations of women’s human rights. During the United Nations regional consultation on women's housing rights in Latin America, dozens of organisations took part in the dialogue.

Participants addressed such diverse themes as women’s security of tenure, women’s inclusion in social housing programmes, the negative impacts of globalisation, access to financial resources, access to basic services, intersectionality (or multiple discrimination) and violence against women. Working together to address these and other challenges, women’s rights activists in Latin America are paving the way for the achievement of women’s housing rights in the region.

Making a Change

Women’s Activism in Latin America

Highlighting Women’s Activism

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COHRE’s mission is to ensure the full enjoyment of the human right to adequate housing for everyone, everywhere, including preventing forced evictions of persons, families and communities from their homes or lands.