The Asia-Pacific region is home to approximately 3.8 billion people, or over 60 per cent the world’s population, a significant proportion of whom live in endemic poverty and struggle to realise their basic economic, social and cultural rights. The Asian Development Bank (ADB) notes that 900 million people in Asia live...
on a mere dollar-a-day income. The situation of women in particular is even worse, as women in many Asian contexts are relegated to a subservient position within male dominated societies. The intra-household inequalities that exist in Asia exacerbate the vulnerability of women and girls to a host of human rights violations, including violations of their housing, land and property rights.

Therefore, in addition to a lack of security of tenure affecting millions of people across the region who live in slums and in poverty, Asian women face added risks and deprivations especially, where they are systematically denied their rights to access, own, control or ‘inherit’ land and property. The vast majority of poor women cannot afford to buy land, and usually can only access land and housing through male relatives, which makes their security of tenure dependent on good marital and family relations.

At the same time, millions of women depend critically on land for a livelihood. Exclusion of women from access to land pushes them towards the cities, where they often join the ranks of the increasing number of women living in slums and squatter settlements.

Women everywhere and in Asia have the right to own, access and control land and housing independent of male relatives. Campaigns for women’s housing rights in Asia focus on the equal rights of women and men to own, access and control of land and housing in joint partnership and on equal basis. This is very important for women and men in a familial relationship. For millions of women in Asia, their biggest housing rights challenge has been land and housing being vested only in the man’s name, and their inability to inherit, buy or sale land on their own because they are women.

In countries like India, which have progressive legislation, women’s rights continue to be governed by social attitudes, a situation which also in turn prevents or discourages them from challenging discriminatory norms. Social norms that perpetuate discrimination against women deny the legitimacy of their claims, and impede women from exercising their rights.
Human rights apply to everyone, everywhere, regardless of gender. The right to adequate housing is established in many international human rights instruments, and yet it remains far from being realised for most of the world’s poor. Women, due to ongoing gender disparity, have suffered disproportionately from violations of the right to adequate housing.

Under international human rights law, States are obligated to ensure the right to adequate housing, including security of tenure and protection from forced eviction, for all of its residents. Women’s equal rights to access, own and control land, adequate housing and property are firmly recognised under international law. However, in many Asian countries, the persistence of discriminatory laws, policies, patriarchal customs, traditions and attitudes in various countries obstruct women from fully enjoying their rights.

Asia, the largest region of the world, comprises of several distinct and unique sub-regions and countries which are at different stages of economic growth. Diversities exists not only in economic aspects of Asia life but also in social, political, religious, cultural, ethnicity, linguistics, geographical features and system of governments.
Inadequate Housing Conditions

The United Nations estimates that in Asia and the Pacific, two out of five urban dwellers live in slums, while another study estimates that one in three people in Asia live in urban areas. The urban population is growing fast, propelling the growth of slums in Asian cities. Since the 1950s, urbanisation has swept throughout South, South-east and East Asia, with Asia now home to such mega-cities as Tokyo, Karachi, Mumbai, Shanghai, and Delhi. As quality urban housing is costly, this has directly increased the numbers of urban poor who have started living in slums where water and sanitation facilities are inadequate, and living conditions are crowded and often unhealthy. In addition to a lack of infrastructure and basic services, people living in informal settlements often endure high crime rates, threat of eviction, disease, and lack of basic health services.

Urbanisation and the Growth of Slums in Asia

The right to water and sanitation is enshrined in international human rights law as a standalone right. At the same time, water and sanitation are also recognised as integral to the right to adequate housing. In most of the world, gender roles demand that women spend a great deal of time in the home, nurturing children and caring for the needs of their families. Household responsibilities also require women and girls to attend to various household chores, including providing, and using, water for a variety of purposes.

One UNICEF study estimates that in India alone, more than 122 million households do not have any toilets. Women bear the brunt of this lack in terms of security as well as severe health problems. Rape and assault are not uncommon when women are compelled to take recourse to the wilderness to relieve themselves. Women also risk kidney and urinary tract infection, and other health problems because of enforced control.
Mumbai, the financial capitol of India, holds about 54 per cent of its population in slums and 25 per cent of population on pavements and footpaths, leaving only 15 per cent of population, who are decently living in bungalows, buildings and high rises. COHRE’s report on Women, Slums and Urbanisation documented the experiences of women and girls living in five slum communities in Mumbai.

One such slum is Indira Nagar Pipeline slum. Women of the settlement talked about their hardships living in this slum. One of the most difficult challenges affecting the day-to-day life of women is their lack of sanitation facilities. Women are forced to hold themselves for long hours, there is no toilet in the settlement and have little option but to use pay toilets in the city. Women fear of their security especially at night, should they venture out to use the facilities. Women also noted that they have little economic independence despite the fact is that they are involved in small income generation activities such as domestic work.

The movement of Asia’s poor from rural to urban settings in search of better economic opportunities have resulted in growth of informal housing settlements in many of Asia’s cities. While the existence of informal settlements may hold some advantage for the poor by offering an affordable land and housing supply, a range of problems accompanies life in these settlements. For urban poor women, the problems stemming from living in slums are especially acute. Women being the one to spend more time at home, they are more directly affected by its environmental problems and more exposed to the health and safety hazards due to overpopulation, insufficient basic services, poor drainage, sanitation and waste disposal systems. Women living in slums are often susceptible to forced evictions by governments and other actors, and too often face gender-based violence before, during, and after eviction.
Discriminatory Laws, Policies and non-discrimination are vital tenets germane to the right to adequate housing. Yet, some forces quite plainly oppose granting women equal housing, land and property rights, going so far as to enshrine women’s second class status into national legislation. Under such circumstances, women must rely on the male figures in their lives for housing security, and to acquire land and property. In the end, this relationship of dependence and subjugation makes women far more susceptible to landlessness, poverty, and gender-based violence.

Even where statutory national laws recognise women’s rights to housing, land and property, gender-biased, so-called “traditional” values may prevail amongst judges, police officers, local councillors and land officials who apply the law. These authorities and officials too often interpret statutory laws in light of customs which often discriminate against women. As a result, women are routinely deprived of their rights, even where these are recognised under statutory law.

In Sri Lanka, according to the Department of Census and Statistics a head of the household is “the person who usually resides in the household and is acknowledged by the other members of the household as the head.” This is a ‘gender-neutral’ definition which focuses on the perception of the rest of the family. However, the general social perception in Sri Lanka is that the husband, failing which the eldest son, should be considered to be the head of the household. COHRE’s research has revealed that this perception has permeated public life as well. There are instances where the father/husband of a family is given the authority to represent the family on the assumption that he is the head of the household.

The use of the head of the house-
In India, despite some progressive legislation, the United Nations Development Programme reported that 79 per cent of HIV infected widows asserted that they were deprived of the right to inherit a share of their deceased spouse’s property. Approximately 90 per cent of the women also stated that they were forcibly evicted from their marital home.

The best way to challenge this seeming gender neutral, but inherently biased, concept is to abolish the concept and to reject the terminology. Making this change is critical to establishing equality within a family unit and also for promoting a balanced view of family life. This in turn will reduce any spaces for discrimination within the family. Along with such change it is imperative that measures be adopted to change the perception of both society and the State to see the leadership of a household as shared.

“Thirteen bulldozers had turned my world upside down - we lost our employment, we lost our shelter, and we lost our self-confidence. For a good fifteen days, I thought to myself, ‘I will never get back my life again. I will have to keep living like this forever.’”

– Testimony provided to COHRE by a woman forcibly evicted in India
Violations of the right to adequate housing continue to rank as one of Cambodia's most pervasive human rights problems. Security of land tenure is weak, or absent, for poor and vulnerable communities. Women frequently represent the poorest of the housing poor, confronted by the most desperate situations of housing insecurity. Although little detailed research has been done in the topic, anecdotal evidence based on COHRE’s in-country work suggests that women are often disproportionately affected by forced eviction and inadequate relocation, through lack of income, reduced access to healthcare, and family disruption or breakdown. Today, literally thousands of women suffer from threat of forced eviction in Cambodia and other housing rights violations.

Mega-Events, ‘Development’ and

Bhutan and Nepal

According to a Human Rights Watch report, Bhutanese women who are living as refugees in Nepal, many for more than a decade, and who have separated from their husband because of domestic violence or related reasons, are unable to obtain separate housing. This is because of gender biased registration systems that calls for household cards listed under the name of the male household head. This leaves many women at the mercy of their relatives in already overcrowded huts or at the mercy of their abusive husband, exposing them to further violence.
The Philippines
The Philippines witnessed 40,000 families evicted in the context of the North - South Railroad ‘development’ project. COHRE’s research in 2008 demonstrated that women suffered increased poverty within the context of these evictions and subsequent relocations. With men finding it more difficult to generate an income, the burden on women to provide food and other essentials for their children manifestly increased. Women reported often go without food and other basic necessities so that their children could eat, compromising their own health for that of their children and families. Further, because of women’s social role within their families and communities, they bore an increased burden finding resources to pay for basic services such as potable water, sanitation, etc.

In addition, women reported experiencing higher levels of domestic violence, as well as a greater threat of violence within their homes and their communities, as a result of the eviction. There were other issues as well that were highlighted in the report such as security of women, health of women and those related to legal documentation and claims of women on their houses.

Sri Lanka
Displacement in Asia

More than two decades of civil war in Sri Lanka between Government forces and the Liberation Tigers of Tamil Eelam (LTTE) led to massive internal displacement, with thousands of IDPs unable to return to their original homes.

The 2004 tsunami which displaced a further 550,000 people in Sri Lanka, complicated the already vexed issue of displacement in the country. Displaced women, in particular, have suffered from gender based discrimination related to titling schemes, restitution, resettlement and other elements of emergency/disaster response. In particular, COHRE has demonstrated how the application of the seemingly gender neutral concept ‘head of the household’ in administrative practice has actually ended up resulting in, and perpetuating, violations of women’s housing rights in Sri Lanka.
Perhaps one of the greatest achievements in the field of women’s housing rights advocacy is that activists increasingly view housing rights in conjunction with other human rights, *inter alia*, the right to water and sanitation, the right to health, the right to information and the right to full and effective participation.

Civil society organisations should, where possible, ensure the full participation by all stakeholders, including women, to maximise the impact of their work. Participatory methods can extend to include the idea of ‘network bridges,’ involving actors working in different sectors; pooling of resources to avoid competition and dilution; as well as providing a mechanism for the dissemination of information on various local initiatives, challenges and key lessons learned.

Community-based initiatives are an important part of both advocacy and implementation of human rights norms, and can help to address issues such as access to justice where, for example, institutional mechanisms and resources are inaccessible to individuals at the local level.

In order to secure women’s housing and land rights, it is critical to understand that gender neutral laws are often simply not enough to make a real change in the lives of women. Too often, the application of such laws continues to disadvantage women by failing to address entrenched systems of male dominance and male privilege.

The basic requirement for women to exercise their rights is comprehensive knowledge and information regarding those rights and access to full participation and enforcement mechanisms. Cultural norms, practices, and attitudes which condone violence and discrimination against women must be challenged and put right.

Providing accessible and participatory housing rights training to women and their advocates, which specifically addresses the lived realities of women, is therefore critical.
Women's rights activists in Asia and the Pacific are playing a leading role in upholding women's housing rights in the region. In 2003 and 2004, Miloon Kothari, the former UN Special Rapporteur on the Right to Adequate Housing, held broad consultations on women and housing rights with civil society organisation in Asia and the Pacific.

Making a Change

Over the past decade, women’s housing rights have increasingly garnered the attention of the international community. Once seen as being issues merely peripheral to human rights concerns, it has become ever clearer that in order for women to realise the full range of their human rights, housing security is -- indeed -- essential. Adequate housing consists of basic components, such as the right to water and sanitation, which are in fact indispensable to women’s daily lives.

Highlighting Women’s Activism

These consultations were attended by some 60 participants, including a broad spectrum of migrant domestic workers, victims of domestic violence, fisherfolk, Dalit women, refugees, nomads, indigenous hill tribe women, plantation workers and women working on evictions in urban slums. Large women's rights organisations in the region, including the Asia Pacific Forum on Women, Law and Development (APWLD) and International Women’s Rights Action Watch – Asia Pacific (IWRAW-AP), have also worked diligently to protect women’s housing rights.

About Us

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.