



**Economic and Social
Council**

Distr.
LIMITED

E/CN.4/2001/L.53
12 April 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Agenda item 10

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Australia*, Belgium, Brazil, Bulgaria*, Cameroon, Canada, Chile*, Colombia, Costa Rica, Cote d'Ivoire*, Cuba, Denmark*, Dominican Republic*, Ecuador, Finland*, France, Germany, Guatemala, India, Italy, Japan, Liberia, Madagascar, Mexico, Morocco*, New Zealand*, Norway, Pakistan, Panama*, Peru, Portugal, Senegal, South Africa, Spain, Swaziland, Switzerland*, Turkey*, United Republic of Tanzania*, Uruguay, Venezuela, Zambia: draft resolution

2001/... Women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing

The Commission on Human Rights,

Recalling 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, the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, the Beijing Declaration and Platform for Action of the Fourth World Conference on Women, the

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

Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development, the Habitat Agenda of the World Conference on Human Settlements (Habitat II), the report of the Ad Hoc Committee of the Whole of the twenty-third special session of the General Assembly and the report of the Ad Hoc Committee of the Whole of the twenty-fourth special session of the General Assembly,

Reaffirming the human right to be free from discrimination and the equal right of women and men to the enjoyment of all civil, cultural, economic, political and social rights as stipulated, *inter alia*, in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Recalling resolution 2000/13 of 17 April 2000 of the Commission on Human Rights and resolution 42/1 of 13 March 1998 of the Commission on the Status of Women,

Recalling also resolutions 1997/19 of 27 August 1997, 1998/15 of 20 August 1998 and 1999/15 of 25 August 1999 of the Sub-Commission on the Promotion and Protection of Human Rights, formerly the Sub-Commission on the Prevention of Discrimination and Protection of Minorities,

Welcoming the findings of the Special Rapporteur on violence against women contained in an addendum entitled “Economic and social policy and its impact on violence against women” (E/CN.4/2000/68/Add.5) to her previous annual report to the Commission, that women’s poverty, coupled with a lack of alternative housing options, makes 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, and encouraging her to continue to take these findings into consideration in her future work,

Recognizing that laws, policies, customs and traditions that 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 may contribute to the feminization of poverty,

Recognizing also that the full and equal participation of women in all spheres of life is essential for the full and complete development of a country,

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,

Convinced that international, regional and local trade, finance and investment policies should be designed in such a way that they do not increase gender inequality 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,

Mindful of the fact that elimination of discrimination against women requires consideration of women's specific socio-economic context,

1. *Affirms* that discrimination in law 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;
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;
3. *Also reaffirms* the obligation of States to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
4. *Urges* Governments to comply fully with their international and regional obligations and commitments concerning land tenure and the equal rights of women to own property and to an adequate standard of living, including adequate housing;
5. *Reaffirms* Commission on the Status of Women resolution 42/1 of 13 March 1998, which, *inter alia*, urged 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;
6. *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;

7. *Also encourages* Governments, specialized agencies and other organizations of the United Nations system, international agencies 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;

8. *Recommends* that Governments encourage financial lending institutions to ensure that their policies and practices do not discriminate against women;

9. *Also recommends* that international financial institutions, regional, national and local housing financing institutions and other credit facilities promote the participation of women and take into account their views 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* the Secretary-General, as Chairman of the Administrative Committee on Coordination, to encourage all organizations and bodies of the United Nations system, individually and collectively, in particular the United Nations Development Programme, the United Nations Centre for Human Settlements (Habitat) and the United Nations Development Fund for Women, 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 and documenting the impact of complex emergency situations, particularly with respect to women's equal rights to own land, property and adequate housing;

11. *Invites* the Office of the United Nations High Commissioner for Human Rights and 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 technical cooperation programmes and field activities;

12. *Encourages* all 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 on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights regularly and systematically to take a gender perspective into account in the implementation of their mandates, and to integrate the contents of the present resolution into their work, as appropriate;

13. *Encourages* the Office of the High Commissioner for Human Rights and the United Nations Centre for Human Settlements (Habitat) to take into account the contents of the present resolution in the development of the mandate of the United Nations housing rights programme;

14. *Requests* the Secretary-General to report to the Commission on Human Rights at its fifty-eighth session on the implementation of the present resolution;

15. *Decides* to consider the issue of women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing at its fifty-eighth session under the agenda item entitled "Economic, social and cultural rights".
