

Women and Housing: Gender Makes a Difference

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Women and Housing: Gender Makes a Difference

Ingrid Westendorp

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Women and Housing: Gender Makes a Difference

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*In loving memory of my parents
For Leonidas*

PREFACE

From an early age on I was interested in the way people are housed and the enormous differences that exist among people's housing conditions. This interest grew when I started travelling in my early twenties and visited Mexico where I saw for the first time people living in shanty towns and squatting on pavements without any form of shelter whatsoever against abuse or the cold nights. A few years later I settled in Greece and I learned from personal experience what it means to have no indoor plumbing, electricity, gas to cook on, waste disposal, and sometimes in summer, no water from the tap. Still, I realize that I am in a privileged position. I have been born in a prosperous country with a good brain out of parents who considered gender equality as a matter of fact, and who gave me the opportunity to study and learn a profession. The inconveniences I have experienced were only temporary, while others will have to cope with them, and even worse situations, all their lives.

When I started reading law in my early thirties, I was very much surprised to learn that a human right to housing actually exists and that the great majority of States have taken up the obligation to respect, protect and fulfil their population's housing rights. I wrote my final paper on this subject and I decided that I would try to write a doctoral thesis on the right to adequate housing once I had graduated. The more I read about the right to housing, however, the more I was struck by the gender neutral tone of all official norms and statements, especially when I thought of all those women who are expected to cook, clean, wash and raise their children in inadequate housing conditions, as well as those unfortunates who cannot find safety and peace at home because they have an abusive partner. That is why I decided to focus on the gender aspects that influence the fulfilment of the right to housing for women. Although I have done my utmost to imagine the various situations women may encounter, I cannot speak for all of them, especially since it is impossible for me to shake off my Western perspective. Listening carefully to women from different cultural backgrounds was the best I could do.

It was very fortunate, that at precisely the right moment a job opportunity presented itself at the law faculty of Maastricht University and that in due course I found Theo van Boven and Ria Wolleswinkel willing to supervise this doctoral study. I am very grateful to both of them for always believing in me and for giving me so much freedom to pursue my goal, even though they did not always agree with me. Ria was always there for me when I needed a listening ear. Theo never ceased to amaze me with his wealth of knowledge and his quick insights.

I am also indebted to Kees Flinterman. He supported me during a very difficult period in my life and he made it possible for me to study law full-time for six months when I had almost lost heart during my near 'endless' studies with the Open University. It is therefore a great pleasure for me that he is one of the examiners of this study.

Thanks are also due to the other examiners who put their time and effort into reading my book. Menno Kamminga who I have come to appreciate as a colleague, Titia Loenen and Ineke Boerefijn who have introduced me to the world of feminism and international law, and Fons Coomans whose research on the right to education was a source of inspiration for me and who was also kind enough to supervise my final paper with the Open University.

Many of my (former) colleagues supported and encouraged me in the course of the years and I am grateful to all of them. Special mention deserve Eva Rieter, who kept providing me with useful pieces of information she had found on the internet, and Jotsna Gupta, who taught me so many fascinating facts about Indian customs and culture.

On a personal level I thank my family and friends who showed a great deal of interest in my progress, and who put up with my chronic lack of time for them. A special word of thanks goes to my sister Adinda Creusen for her cover design and my son Leonidas for his cleverly designed database which made the work on my bibliography a piece of cake. Finally, I am grateful to my niece Odette Creusen and my friend and colleague Chantal Kuypers who both so willingly agreed to be my *paranimfs* and who were even prepared to read this book from cover to cover (including the boring parts). You have made the final stage of my work on this study so much easier and enjoyable with your enthusiasm and assistance. I took great pleasure in our joint luncheons and I really hope that we can keep finding excuses to organize them in future.

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LIST OF ABBREVIATIONS

CEDAW	Committee on the Elimination of Discrimination Against Women
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CMW	Committee on Migrant Workers
CRC	Committee on the Rights of the Child
CSO	Civil society organization
CSW	Commission on the Status of Women
DAW	Division for the Advancement of Women
ECOSOC	UN Economic and Social Council
FHHs	Female-headed households
HRC	Human Rights Committee
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
IDPs	Internally Displaced Persons
ILO	International Labour Organization
NGO	Non-governmental organization
OHCHR	Office of the UN High Commissioner for Human Rights
SGR	Representative of the UN Secretary-General
UDHR	Universal Declaration on Human Rights
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNDP	United Nations Development Programme
UNICEF	United Nations International Children's Emergency Fund
UNIFEM	United Nations Development Fund for Women
WHO	World Health Organization

LIST OF TERMS

Ashram	Settlement consisting exclusively of widows and their children in India.
Bustee	Squatter camp of widows in Bangladesh.
Charlands	Plots of land in or on the banks of rivers that are created by the natural process of accretion, and which are susceptible to erosion and floods.
Dowry	(Hindu) system in which it is customary that a bride brings a certain amount of wealth into the family of her husband.
Female exogamy	Custom that women marry outside their community and move away thus severing their ties with their families and communities.
Foeticide	Custom to abort a (female) foetus, especially practiced in India and China.
Halakhah	The collective corpus of Jewish religious law including biblical law, Talmudic and rabbinic law, as well as customs and traditions.
Levirate	Also called widow inheritance is a system that entails a union of the widow with a brother-in law (another male relative is also possible) with the object of obtaining children in the name of deceased.
Mitakshara	A legal treatise on inheritance, written by Vijnaneshwara, a prominent jurist of 12 th century India. It is one of the most influential texts in Hindu law, and its principles regarding property distribution, property rights, and succession are still in practice across most of India.
Mudawwana	The Moroccan family law.
Muluki Ain	The 1854 codification by Jung Bahadur Rana of the social code that had been in practice for several centuries in Nepal.
Purdah	Literally 'curtain'. The practice of requiring women to cover their bodies in order to conceal their form. Also custom among Muslims and some groups of Hindus of keeping women secluded from public observation.
Sororate	Custom that entails that a woman is married to her brother-in-law after her sister has died or when her sister is barren.