Forced evictions are a gross violation of internationally recognised human rights standards. For women in particular, forced evictions are frequently accompanied by loss of livelihoods, erosion of social support networks, the breakdown of family relationships, physical hardship and, too often, violence.
Forced Evictions: A Global Scale and Scope of Forced Evictions

The prohibition against forced evictions is a vital principle inherent in the right to adequate housing. A State’s duty to abstain from, and to shield its citizens against, the practice of forced evictions is upheld within numerous international human rights standards. Despite these standards, however, the devastation of forced evictions continues to be felt globally. On a global scale, forced evictions aggravate worldwide homelessness and the inadequate housing crisis, and their impact on women is profound.

The United Nations Committee on Economic, Social and Cultural Rights has defined forced evictions as “the permanent or temporary removal against their will, of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.”

The Committee has made clear that evictions can only take place in the most exceptional of circumstances and after the exploration, in meaningful participation with those facing eviction, of all feasible alternatives to eviction.

The practice of forced eviction is an international phenomenon which does not discriminate between developed and developing countries. According to data collected by COHRE, over 5.6 million people were forcibly evicted from their homes between 2003 and 2006. These evictions frequently target the most vulnerable and the impoverished populations residing in informal settlements.

According to the United Nations, forced evictions may be carried out in connection with conflict over land rights, development and infrastructure projects, such as the construction of dams or other large-scale energy projects, with land acquisition measures associated with urban renewal, housing renovation, city beautification programmes, the clearing of land for agricultural purposes, unbridled speculation in land, or the holding of major sporting events like the Olympic Games.
Even in cases where evictions can be justified under international human rights law, due process protections must be in place and *no eviction should be undertaken in a discriminatory manner or result in homelessness.*

In a recent resolution on forced evictions, the former United Nations Commission on Human Rights reiterated that every “woman, man and child has the right to a secure place to live in peace and dignity, which includes the right not to be evicted unlawfully, arbitrarily or on a discriminatory basis from their home, land or community.”

The Commission exhorted States to adopt measures, without delay, that abolish “the practice of forced eviction by, *inter alia,* repealing existing plans involving forced evictions as well as any legislation allowing for forced evictions, and by ensuring the right to security of tenure.” Specific protections are further articulated in the Committee’s General Comment No. 7 on Forced Evictions.

**Human Rights Crisis ...**

“My sister, you know that in every aspect of life, whenever there is a problem the women suffer more, if marriage breaks, the woman suffers the cultural stigma that accompanies divorces/separation as well as economic hardship. So the same thing goes for forced eviction.”

– Testimony provided to COHRE by a woman forcibly evicted from her home in Nigeria
The impacts of forced evictions are very hard on women, as women are often charged with taking care of the children and family before, during, and after an eviction, and for providing a sense of stability at home. In cases where a woman is the sole economic provider for her household, forced eviction can also result in utter destitution for herself and her children. Discriminatory norms, customary laws, cultural practices, domestic violence, and economic obstacles all contribute to women’s susceptibility to forced evictions.

Women are also prone to forced evictions as a result of the gender-based bias they experience. For instance, within the HIV/AIDS context, women susceptible to forced eviction due to positive status, or upon the death of a spouse. Women who reside with their in-laws may also face forced eviction once they divorce their spouse, when their spouse dies, or because of domestic violence.

Exposing Violations

“I do home based work and I’m able to generate something or the other. I’m not sure what will I do if I have to leave from here. We are in the city and everybody is able to earn something. Why we want to go elsewhere. Here women are participating in the fight to secure our house and land. We are united but sometimes we fear violence. If they use violence on us, we don’t know what we will do. Sometimes I get depressed thinking about our situation. It will be okay if we get nearby land and in compensation but if we have to go [far away] then our lives will be completely destroyed.”

- Testimony provided to COHRE by a woman threatened with forced eviction in Cambodia

She has been living in her current community for 29 years
Increased Exposure to Violence in the Home and Community

Women are most often the primary targets during forced evictions because evictions most often take place during the day, when women (often perceived to be less likely to resist) are at home. In the midst of the violence and chaos which accompany forced evictions, private actors and State security forces, including the police, often perpetrate acts of physical and sexual abuse and harassment against women and girls. In the aftermath of forced evictions, women are also routinely exposed to increased violence within the home, as family tensions rise, and resources become more scarce. In fact, COHRE’s research has consistently shown that women face additional violence in the home in the context of strained living conditions and psychological impact of eviction on family members, which may also at times aggravate problems of substance abuse and social isolation. This leaves many women in a desperate and dire situation which they too often feel powerless to change.

Deepening Women’s Poverty

According to the former United Nations Special Rapporteur on the Right to Adequate Housing, when evicted, women lose not only their homes and lands but also tend to experience “the loss of livelihoods, relationships and support systems, breakdown of kinship ties, physical and psychological trauma and even increased morbidity and mortality.” Forced evictions, while they almost always impact the poorest of the poor, also serve to plunge women even further into poverty by diminishing what little economic independence they may have.

Because women bear primary responsibility for caring for their families, the loss of material resources and social networks that accompanies forced evictions increase demands on women’s time, and also limit their future options.
Security of Tenure for Women

Security of tenures encompasses the right to own, inherit, rent, lease and remain on one’s land or in one’s house, and protection from arbitrary or involuntary removal. For women, security of tenure is often especially precarious because women may not be able to independently access their homes and the land on which they live. Tenure is considered truly secure only if it protected in law (including constitutional guarantees), as opposed to reliance on mere custom, tradition, or the whims of governmental authorities.

For women, tenure security is linked to economic security and survival; that is, loss of tenure not only means loss of housing, but also often loss of livelihood. Also, tenure insecurity means exclusion from ownership, access and control over housing and land, as well as exclusion from the processes by which rights to housing and land are recognised, secured and enforced/protected. Various forms of tenure either explicitly exclude women or discriminate against them directly or indirectly. These include customary forms of tenure; communal tenure that supports

Women’s Access to, and Control over, Housing and Land

Women must be able to independently access and control housing and land. States should ensure that women are accorded full and equal rights to own housing, land and other property, and should undertake administrative reforms and other necessary measures to give women the same right as men to ownership, credit, capital, appropriate technologies, access to markets and information.

Evictions themselves should be seen in a gender-sensitive manner.

The deprivation of women’s housing, land and property – regardless of when it is a result of domestic violence, ‘disinheritance,’ or the application of gender-biased norms, policies and practices which negatively affect women – is unlawful under international human rights standards and is thereby within the scope of a State’s obligations to protect individuals and communities against the practice of forced eviction.
Dimensions of Evictions

“Women bear the brunt of forced evictions, especially when evictions are accompanied by violence.”

- Miloon Kothari, former UN Special Rapporteur on the Right to Adequate Housing

“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 from her home in India

community ownership but may nevertheless marginalise women; privatisation schemes that favour men or male headed households; and certain combinations, such as private ownership limited by lack of access to resources as well as customary norms that disfavour women’s ownership and control.
In practice, not all housing policies – even despite some good intentions – are pro-women. In all parts of the world, women’s human rights advocates and housing rights advocates alike have fought to make housing rights laws, policies and standards work for women. One of the leading mistakes that law makers and government authorities make is to believe that ‘gender neutral’ laws will not, in fact, disadvantage women.

The truth, however, is that unless advancing women’s equality becomes a central focal point for the development of housing policy, women’s needs and rights will continue to be marginalised, and their status will remain second-class.
Colombia

Over forty years of continual conflict in Colombia has generated what has been referred to as “the largest humanitarian crisis in the Western Hemisphere.” Even by the most conservative estimates, at least one in every 40 Colombians has been forcibly displaced.

Forcibly evicted women and girls in Colombia face unique problems at all stages of the displacement cycle, largely due to the prevalence of gender-based violence and gender-based discrimination. Forcibly evicted women inter-viewed 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.

Many of these women continue to face great difficulties, including lack of adequate housing, water and electricity, and of continuing violence and intimidation in their communities. The office of the United Nations High Commissioner for Human Rights has noted that these women and girls are particularly vulnerable to domestic violence, sexual abuse and sexual exploitation.

Israel and Palestine

COHRE’s research on the impact of forced eviction on Bedouin women in the Negev found that forced evictions carried out by the State of Israel led to a dramatic deterioration in the lives of affected women in terms of their both their physical and material security.

In their original Bedouin communities, the living space and the land supplied women with economic resources, and this in turn provided them with considerable autonomy and independence.

After forced eviction, however, women were left wholly reliant on their husband’s incomes. This transition had a direct and immediate impact on their lives. Without an economic role or resources, women’s status within Bedouin society changed dramatically, and for the worse. As women became more dependent on their husbands, their exposure to physical violence increased.
States have an obligation to ensure that prior to eviction they explore all feasible alternatives to eviction in consultation with affected groups including women. States should inform communities, and in particular women, about their housing rights as enshrined under international human rights law, and of the State’s obligation to explore such alternatives.

States must provide affected women with full prior information on all issues concerning evictions including but not limited to project plans, alternatives explored, manner of eviction, plans for compensation and/or relocation, as well as their rights both in the domestic legal regime as well as under international human rights law.

Recognising that women are not a homogenous group, States must take adequate steps to ensure that women participating in consultations include particularly vulnerable groups of women including, inter alia, domestic workers, commercial sex workers, migrant workers, women living with HIV/AIDS, widows, victims of domestic violence and divorced women.

Upholding Women’s Right to Equality

States must ensure the equal right of women and men to the enjoyment of their housing, land and property rights. In particular, States shall ensure the equal right of women and men to *inter alia* legal security of tenure; property ownership; equal access to inheritance; as well as the use, control of and access to housing, land and property. States should also recognise the joint ownership rights of women and men, and ensure that housing, land and property policies and practices reflect a gender sensitive approach.

States must also ensure that that ‘gender-neutral’ housing, land and property policies and practices do not disadvantage women and girls, and should replace such policies with gender-sensitive policies and *positive measures* aimed at ensuring women’s housing rights and substantive gender equality.

Ensuring Women’s Participation
Women’s Housing Rights

In cases where evictions can be deemed lawful under international law, States have the responsibility to ensure that relocation sites provide adequate housing, to all those affected regardless of type of tenure. States shall specifically ensure that evicted communities are relocated to sites, which enable women to access their places of employment, schools, health care centres (including sexual and reproductive care), community centres, and other resources necessary to ensure the realisation of their human rights.

Given the centrality of social networks to women’s lives and livelihoods, affected communities should not be dispersed against their will, but rather relocated as a single unit unless they consent otherwise. In cases where fair compensation is negotiated, either in conjunction with or in lieu of resettlement, States must ensure that women and men receive compensation on an equitable basis, and that women do not suffer discrimination.

Making a Change

Perhaps the single most important way for women to be protected again forced eviction is for their right to security of tenure to be respected. States should enact and enforce legislative and administrative reform guaranteeing universal security of tenure, which should also recognise women’s independent security of tenure.

Regardless of the type of tenure conferred, all women must be adequately protected against forced eviction.

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.

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