

HOUSING

Resolutions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

At its 1998 session, the Sub-Commission adopted two resolutions related to the right to housing.

The first resolution (1998/26) was on housing and property restitution in the context of the return of refugees and internally displaced persons. The Sub-Commission, *inter alia*: recognized the right of refugees and internally displaced persons to return freely to their homes and places of habitual residence in safety and security is an indispensable element of national reconciliation and reconstruction; stated that the recognition of such rights should be included within peace agreements ending armed conflicts; also recognized the right of all returnees to the free exercise of their right to freedom of movement and to choose their residence, including the right to be officially registered in their homes and places of habitual residence, their right to privacy and respect for the home, their right to reside peacefully in the security of their own home and their right to enjoy access to all necessary social and economic services, in an environment free of any form of discrimination; noted the widespread constraint imposed on refugees and internally displaced persons in the exercise of their right to return to their homes and places of habitual residence; also noted that the right to freedom of movement and the right to adequate housing include the right of protection for returning refugees and internally displaced persons against being compelled to return to their homes and places of habitual residence and that the right to return to their homes and places of habitual residence must be exercised in a voluntary and dignified manner.

The Sub-Commission: reaffirmed the right of all refugees and internally displaced persons to return to their homes and places of habitual residence in their country and/or place of origin, should they so wish; also reaffirmed the universal applicability of the right to adequate housing, the right to freedom of movement and the right to privacy and respect for the home; confirmed that the adoption or application of laws by states which are designed to or result in the loss or removal of tenancy, use, ownership or other rights connected with housing or property pose serious impediments to the return and reintegration of refugees and internally displaced persons and to reconstruction and reconciliation; urged all states to ensure the free and fair exercise of the right to return to one's home and place of habitual residence by all refugees and internally displaced persons and to develop effective and expeditious legal, administrative and other procedures to ensure the free and fair exercise of this right, including fair and effective mechanisms designed to resolve outstanding housing and property problems; and invited the High Commissioner for Refugees, in consultation with the High Commissioner for Human Rights, to develop policy guidelines to promote and facilitate the right of all

refugees and, if appropriate to the UNHCR mandate, internally displaced persons, to return freely, safely and voluntarily to their homes and places of habitual residence.

The second resolution (1998/15) was on women and the right to land, property and adequate housing. The Sub-Commission, *inter alia*: expressed concern that as a result of the discrimination faced by women with respect to acquiring and securing land, property and housing, the number of women living in poverty is increasing disproportionately to the number of men; noted that existence and perpetuation of gender-biased laws, policies and traditions which deny women credit and loans and keep women from owning and inheriting land, property and housing and which exclude women from fully participating in development processes discriminate against women and create insecure and inadequate housing and living conditions; expressed deep concern that inadequate and insecure housing and living conditions give rise to serious mental and physical health problems for women and contribute to, cause and are often the result of violence against women; stressed that the impact of discrimination and violence against women on women's ability to access and secure land, property and housing is particularly acute for women who are internally displaced as a result of armed conflict situations and development projects; also expressed concern that international and regional trade, finance and investment policies often increase gender inequality in terms of access to land, property, housing and other productive resources and undermine women's capacity to gain and retain these resources; affirmed that the discrimination faced by women with respect to acquiring and securing land, property and housing, as well as financing for land, property and housing, constitutes a violation of women's human rights to equality, protection against discrimination, and to the equal enjoyment of the right to an adequate standard of living, including adequate housing; strongly urged governments to comply fully with all of their international and regional obligations and commitments concerning women's rights to land, property, inheritance, adequate housing, including security of tenure, and an adequate standard of living; also urged governments to take all necessary measures in order to amend and/or repeal laws and policies pertaining to land, property and housing which deny women security of tenure and equal access and rights to land, property and housing; urged governments to encourage the transformation of customs and traditions which deny women security of tenure and equal access and rights to land, property and housing, and to adopt and enforce legislation which protects and promotes women's rights to own, inherit, lease or rent land, property and housing; encouraged governments and others to provide judges, lawyers, political and other public officials, community leaders and other concerned persons with information and human rights education concerning women's rights to land, property and housing; recommended that governments, the international financial institutions (IFIs), local lending agents, housing finance institutions and other credit facilities review their policies and eliminate