



Bulletin on Housing Rights and the Right to the City in Latin America 2010 | #08

Special edition on gender and housing

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Editorial: For women to feel, and be, safe in their own homes



The figures are categorical.

It is estimated that in most countries in Latin America, between 30 and 60 percent of women have been victims of domestic violence at some point in their lives. The real figure, however, is likely to be much higher, as many women don't report these crimes.

In Colombia alone, it is estimated that 40 percent of women have been attacked by their partners, and in Brazil one in five are said to have suffered gender-based violence.

But what is even harder to understand is that a large proportion of these abuses of women's rights take place in their own homes, where they should feel safe.

A report recently published by the Centre On Housing Rights and Evictions

(COHRE) estimates that hundreds of thousands of women in Latin America can't escape homes where they suffer abuse because they are economically dependent on their abusers.

And even if they manage to find the courage to leave those who ill-treat them, most women would simply have nowhere to go.

In one of the testimonies featured in the COHRE report, a Colombian woman who lives in the outskirts of Bogota said she is still living with her abuser because she doesn't have an alternative place to live. For her, the only solution was to divide the house. She lives in one half and her abuser in the other.

For most of these women in Argentina, Colombia and Brazil, assistance is simply not available.

As Victoria Ricciardi, author of the COHRE report, explains in her article, the number of refuges for victims of domestic violence in the countries she studied is extremely limited, and with possible periods of stay limited to less than six months, long-term solutions are almost non-existent.

This bulletin explores this crisis through the experiences of some of the activists working on this issue in Latin America, and details the main challenges and possible solutions for those women for whom the home has become a prison.

In her article, Elba Núñez, researcher at the Latin American and Caribbean Committee for the Defence of Women's Rights (CLADEM Paraguay), presents some of the obstacles to the achievement of the right of women to adequate housing.

Patricia Guerrero, founder of the League of Displaced Women in Colombia, raises some of the solutions that have been proposed by local human rights organizations to the housing problems faced by women. In her piece, Guerrero details the construction of the City of Women, a unique housing experience in the region developed by and for women.

It is clear that the lack of housing alternatives for women victims of domestic violence is only one of the reasons that cause women not to be able to break the circle of violence that keeps them with their abusers.

Finding solutions to those barriers, driven by effective public policies, would be a significant step forward in the road to ending gender-based violence.

Adequate homes, essential for women to enjoy a life without violence

By Victoria Ricciardi*



This month, COHRE published a report about the link between the right to adequate housing and the fight against domestic violence.

The document revealed that it is likely that hundreds of thousands of women in Latin America continue to live with their aggressors out of fear of losing their homes.

The author of the report, Victoria Ricciardi, spoke to survivors of domestic violence in Argentina, Brazil and Colombia. In this article, Ricciardi details some of the main findings of her investigation.

“Before we started our research, we had a lot of anecdotal evidence about the link between domestic violence and the violation of the right to adequate housing. The United Nation’s Special Rapporteur on the Right to Adequate Housing and the Special Rapporteur on Violence Against Women had done some work in this area, but a regional study was still lacking.

Up till recently, a clear connection had not been made on how important it is for public policies on domestic violence and violence against women to take into account the resources and the physical place necessary to allow survivors to live free from violence.

I believe this is an issue that still doesn’t receive the attention it should, particularly if we take into consideration what women told us – that one of the main obstacles they face in escaping a violent relationship is the lack of economic resources and an adequate home to go to.

If one studies the data in Argentina, Brazil and Colombia, one will see that the days in which the highest number of reports of domestic violence are filed are the weekends or during holidays – in other words, the days when people are together in the home.

The question that guided our research

was: is not having an alternative home a major obstacle to leaving the cycle of violence? The conclusion of our investigation was that yes, it was.

That obstacle is greater for women who live in informal homes. These women cannot access the full spectrum of resources and judicial protection because of living in an informal setting. For those women who have the will, who have overcome fear and have the courage and think about leaving with their children, not having a place to go is a key issue.

What many women do is leave and spend some time in temporary accommodation – with friends,

neighbours, or relatives who can help them. But when the time comes when it is necessary to establish a routine – get the children to school, go back to work or look for a new job – they realize they can't live moving from house to house.

The other issue that comes up very frequently in the region is that for many families, being able to own their home is a dream come true – something that people work for a long time. When you have that, leaving it becomes very difficult. Only an extremely serious situation can lead to a person make that decision.

In Colombia, a fifty-something year-old woman, with grown up children, told me she was living in the same house with a man that had been violent to her, despite the fact that there was no relationship between them. She had no other option. Even if they sold their house, they wouldn't have enough money to buy another one.

We are not only talking about houses but also the financial dependence on the abuser. In many cases, men prevent women from working after

getting married. Other women end up working in the informal sector.

Most women I've spoken to had informal jobs. For them, leaving their homes meant huge uncertainty – not having a place to go, quitting their jobs, losing resources. They asked themselves: 'I can go, but with what, where, how?'

I didn't hear as much fear of leaving the abuser as I did fear of what would happen afterwards. When I asked them what they needed to leave, they would tell me: 'A place to go where they can explain to me what I have access to and the financial resources that would allow me to stand in my own two feet'.

The assistance programmes – or what we call the 'route of attention' – includes support workers involved in providing assistance and protection to the victims. In the three countries we studied, the systems were very complex.

For women who live in the outskirts of big cities, for example, getting help requires travelling to the capitals. In Colombia and Brazil there are some advances, such as police stations for women or families closer to where the victims live – but this is not common.

In Argentina, I spent time with women in a disadvantaged community in Greater Buenos Aires. They all said they felt the noticeable absence of the State. For them, police stations and courts were too far away. Women simply didn't feel they had access to them, unless there was an organization acting as a third-party to intervene. They needed to access those services through someone.

In Brazil, women told me about the importance to them of being able to access women's police stations and file a report. The proximity was seen as something very valuable. But many also said that those in charge of the police stations would often treat them badly.

The first alarm bells in cases of abuse are often ignored. Until the woman files a very serious complaint, nothing happens and she cannot access the help she needs – until the situation becomes a crisis.

Many women in informal neighbourhoods in the outskirts of Bogota told me that they felt insecure being alone and that they saw having a partner as a way of protecting oneself from the general violence in the neighbourhood. They said that

putting up violence in the home was sometimes better than facing potential violence in the neighbourhood.

Often, you can see the big gap between the reality faced by women and the system. In Latin America, there is some positive legislation; there are policies and programmes – but they all lack adequate resourcing and publicity. Women don't know they exist or how to access them.

Women spoke very highly of those who worked in the assistance programmes but also said that, on many occasions, government officials don't take into consideration their problems, don't consider them important or even try to give them marital advice.

What the women I spoke to value the most is immediate help. Shelters, for example, are seen as critically important, although the regulations to access them seem complex and there are always limits on how long a woman can stay.

Those who were in charge of the shelters told us the number of women who went back to their abusers was very high. For them,

that was very frustrating. What we need is for states to see not only the numbers of cases, but to ask women what they need. There needs to be a better link between state programmes and those who benefit from them.

The programmes need to be adequately resourced. The legislative advances we see in Latin America are positive but they must become effective if they are to be good pieces of legislation. They also need to be implemented – state-run programmes need to be put in place that reach all regions of every country.

This represents a particular challenge, as programmes are usually designed generically and women from different regions and cultures face different obstacles and have different needs. In order to be effective, programmes must take these differences into account.

Finally, it is essential that policies against violence take into consideration housing problems. To do that, they will require housing programmes that provide alternative homes, but also permanent homes. It is fundamental that women's access

to housing is facilitated through specific policies. It is for that reason that we need housing policies that include gender policies – for example, the establishment of quotas for women victims of domestic violence or the development of construction projects for women.

None of this has been conceptualized yet, and real empowerment of women will only be attained when policies take into account the inequalities faced by women and focus on ending them.”

* **Victoria Ricciardi** is a lawyer specialized in constitutional law and human rights at the international level. She has worked as a research assistant in several projects related to gender and legislation. She is now a consultant with the Women and Housing Rights Initiative at COHRE in the Latin America programme.

COHRE's report *A place in the world: The right to adequate housing as an essential element of a life free from domestic violence*, is available at: www.cohre.org

TESTIMONIES

“Not having the resources to pay a rent or the money to face any expenses were factors that made my life circumstances more difficult. Where was I going to go? I was asking myself. How was I going to support my family? I was asking myself ...”
Woman victim of domestic violence in Moreno, State of Buenos Aires, Argentina.

“I have been suffering violence by my partner for years, insults, ill treatment, beatings. I have been struggling with that situation for years. Today we almost don't even talk to each other. I live locked-up in my room and he is in his but we cannot separate ...”
Woman victim of domestic violence in Bogota, Colombia.

“The situation gets very difficult because we live all together, with many people, in a big house, I couldn't go. I could leave to another town, but he would come after me and I didn't know what to do, we had a baby. I looked for protection in the rest of the people living in the house and sometimes I would leave for a while. After some time, he understood he couldn't be in the house anymore,

now I'm alone with my daughter.”
Woman victim of domestic violence in Porto Alegre, Brazil.

The City of Women: a colombian experience

By Patricia Guerrero, League of Internally Displaced Women in Colombia*

It is one of the most singular housing projects in Latin America. A city designed and built by and for internally displaced women in Colombia.

The work, inaugurated in 2006, aims to show that it is possible to carry out housing projects that are both successful and, at the same time, take into account the particular needs of women.

Patricia Guerrero, founder of the League of Internally Displaced Women in Colombia, the organization behind the "City of Women", recounted an experience that could serve as an example for the rest of the region.

"We inaugurated the 'City of Women' in 2006, even though we started the project in 2003.

In Colombia, there's a problem of forced displacement that mainly affects women and children and one of the more serious issues they have to face is the lack of adequate housing.

Generally, the roofs of internally displaced women's homes are sheets, plastic; they are located in areas with

no public services, where there's no electricity, where there's nothing. They are completely unsafe areas to live, in overcrowded conditions, where families and neighbours live together.

The area of housing is where you can see how many women suffer the lack of a place to call home. For women, the home is a place for loved ones – a place of love, of children...a place where their history is. When all of that is broken, its reconstruction also means the reconstruction of dignity, of history and of memories.

The 'City of Women' emerged from that plight: if there isn't a roof, there isn't food and if there isn't food, there isn't transport, nor work. It is a terrible situation.

The first task for the development of a 'City of Women' was the organization of those women. We needed to create the conscience that housing is their fundamental right – a constitutional right that is there to be defended. The right to a decent home, one that has water, ventilation, that dignifies the lives of people who live there.

We had to see where the resources were going to come from. We had to study the housing benefits that

existed. We needed to find out if there were places to apply for social resources specifically designed for internally displaced families.

That was when we started to analyze the political situation of forced internal displacement and of the state resources available – to have a better chance of accessing them.

We analyzed Colombia's Housing Law. One of the things we found was that the law doesn't work for the displaced population. When benefits are given for social housing, the state tells you 'ok, we will give you benefits, but you also have to put in some money. We invest but you have to invest too'.

The average income of women in our organization is 2,500 Colombian pesos a day (about 1.35 US dollars). According to the housing law, they needed to collect 11 million (almost 6,000 US dollars).

With 2,500 pesos a day, a woman has barely enough to feed her children. She doesn't have any money to save. In those conditions, the most desperate, how is she going to have savings in a bank?

We strengthened our organization's

work around the issue of housing. We had to show the state that our organization was ready to develop this project.

We managed to raise over 700,000 US dollars, which guaranteed the saving we needed to access extra help. We managed to secure other projects which provided us money and training for women to be able to build the houses. With that work, they raised the money that was not being provided by the state.

It was a titanic project. Moving an organization made up of 300 women to construct and develop a city, all for the restitution of a right that had been violated.

We decided on the municipality of Turbaco, ten kilometres from Cartagena. There, we had a lot of women from the organization and many options.

For the first time in Colombia's history, 100 women received 98 social housing plans. When we received that, we told people from international organizations 'we have this and we need the rest'. We are going to put into it our labour, our creativity, our time. And that's how everything

started to move.

The land was empty, there was nothing there, and we started to move it. We filled in the holes in the land and started to build. It was incredible.

We put together a company to build the bricks, get the sand; we found training for the women. We made over 100,000 bricks for our own homes.

We built shelters for the children. Some women were in charge of caring for the children, others would cook. We rented land and grew corn for extra cash.

But some people didn't want us to be there. It is an area with a heavy paramilitary presence, where there's a lot of control of the territory.

We suffered attacks and threats. We also endured a very tough winter, when all work had to stop for some time. But us, the women, we never gave up.

When there is an armed conflict, like in Colombia, houses are not a safe place. In war, no one is safe, particularly women.

The idea was to have a protection strategy, to live all together, in a

neighbourhood, on a piece of land. The 'City of Women' is a holistic project that helps to generate good gender practices and it was awarded for the way in which we tackled the need for protection and housing for women.

Behind each of those women there's a war survivor. A woman who had to suffer a lot and one whose rights have been violated.

In the 'City of Women', men and husbands are allowed, but the dynamic of the organization is for the women and headed by displaced women, mainly Afro-descendants.

This is a project, an experience, from which many Latin American communities can learn".

* **Patricia Guerrero** is the founder of the League of Internally Displaced Women and the Observatory Gender, Democracy and Human Rights in Colombia. She is a lawyer specialized in criminal and international humanitarian law. She completed a scholarship at Columbia University's Human Rights Programme and currently litigates at the Inter-American Commission of Human Rights on cases of gender violence against the League of Internally Displaced Women.

For more information:

www.ligademujeresdesplazadas.org



Challenges for the achievement of the right of women to adequate housing in Latin America

By Elba Núñez, CLADEM Paraguay*



Experience has shown that most countries in Latin America have made progress in including the rights to equality, non-discrimination and housing into their constitutions. However, when designing public and housing policies, women have been invisible and unrecognized.

In most cases, it is not assumed that adequate housing is linked to the rights to land and property and to access to financing, benefits, adequate technologies and to receive equal treatment in land reform and resettlement plans.

A home is not only a roof with some walls but “the right to live in safety,

peace and dignity somewhere”. The house as a human right – interdependent, indivisible and inalienable – has been included in several human rights instruments.

But in the globalized world, the house has been reduced to an object – simple merchandise. Human settlements are considered to be a business, excluding millions of impoverished women.

Patriarchy and the gender-based division of labour, deeply rooted in our societies, reproduce the housing vulnerability of women.

Women constitute 70 percent of those who live in absolute poverty.

Growing poverty and social inequality is clearly seen in the feminization of poverty, forcing women to live without achieving their basic needs.

The report by the Latin American and the Caribbean’s Committee for the Defence of Women’s Rights (CLADEM), “The systematization of the state of housing rights and women’s housing in the context of economic, social and cultural rights in Latin America and the Caribbean”, which is based on several national analysis and dialogues between fifteen countries in the region, revealed that the lack of access to adequate housing affects mainly poor urban and rural women. The document also shows

the close connection between those abuses linked to discrimination by race, gender, ethnicity, sexual orientation, language and others.

Violations of the right of women to adequate housing are closely linked to violations to the right of employment and work, education, security, a safe environment, water and to a live free from violence.

The study revealed that one of the main obstacles to the design of effective public policies is the lack of statistics organized by gender and housing. In the context of armed conflicts such as that in Colombia, it has been shown that women are

particularly affected by forced evictions and face discrimination when it comes to the right to property and housing, exposing them to greater victimization and the risk of sexual abuse when they are left without a home.

Reflections gathered in national and regional seminars led us to conclude that the assigning of certain roles to women – such as domestic tasks, including the supply of water and food, all intimately related to the home space – cause women to greatly suffer the lack of adequate housing.

A change in sexist social and cultural patterns is essential for women to be able to access adequate housing.

There are several examples of women using the building of houses as a way of transforming the space, and becoming active leaders when it comes to reclaiming the right to housing.

Internationally, however, serious abuses of women's right to adequate housing in the region have not been reflected sufficiently in the evaluation of the Convention on the Elimination of All Forms of

Discrimination against Women (CEDAW) by States. It is because of this that we call on the Committee to adopt a specific recommendation on women's right to adequate housing.

As a key challenge, CLADEM calls on States to adopt measures to eliminate women's inequality and exclusion and to guarantee their right to living in equal conditions, without discrimination, as a key human rights issue.

* **Elba Núñez** is a Paraguayan feminist, lawyer and social workers and is a member of CLADEM Paraguay (Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer Paraguay). She works on human rights issues, with a particular focus on economic, social and cultural rights, and sexual and reproductive rights and gender violence.

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COHRE – the Centre on Housing Rights and Evictions – is an independent, international non-governmental organisation. COHRE’s mission is to promote and protect the right to adequate housing for everyone, everywhere.

Founded in 1994, COHRE applies the international human rights framework to promote and protect housing rights at the local level, particularly with respect to marginalized or vulnerable communities. COHRE has consultative status with the United Nations (UN), the Organisation of American

States(OAS),andtheCouncilofEurope. COHRE also holds observer status with the African Commission on Human and Peoples’ Rights.

COHRE has regional programmes in Africa, Asia and Latin America. Each programme carries out the following activities: promoting and working to enforce, including through legal advocacy, the right to the city, the right to water and sanitation, women’s housing rights, the prevention of forced evictions, and remedying housing rights violations, including housing and property restitution for displaced persons.

Since 2002, the COHRE Latin America has been working in defense of the right to adequate housing in the region through capacity building programmes, legal assistance and promoting the right to land of minority groups and low income communities in informal settlements. COHRE also carries out activities at the national and international level, including fact-finding missions, litigation, monitoring and the promotion of campaigns against the practice of forced evictions.

COHRE Latin America organises these and other activities in certain focus countries where it works jointly with local partners. COHRE’s current focus countries in Latin America are: Argentina, Brazil, Colombia, Ecuador and Guatemala.

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“COHRE extends its sincere thanks to all those who assisted in the production, editing and design of this newsletter. Especially, we thank those who helped with their articles and analysis. Without this valuable material, the newsletter could not exist.”

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