

**Displaced women
and homelessness**

NRC

NORWEGIAN
REFUGEE COUNCIL



About the Norwegian Refugee Council

The Norwegian Refugee Council (NRC) is an independent, international, humanitarian non-governmental organisation, which provides assistance and protection as well as contributing to durable solutions for refugees and internally displaced people worldwide. NRC provides information, counselling and legal assistance (ICLA) related to housing, land and property (HLP) rights in 20 countries afflicted by conflict or recovering from it. NRC also delivers emergency and transitional shelter assistance in these countries.

In 2011, NRC embarked on a five-year initiative aiming to increase displaced women's access to HLP rights through improved programming and advocacy. Studies involving assessments of NRC's legal cases and commissioned country research have been conducted in Afghanistan, the Central African Republic, Côte d'Ivoire, Jordan, Lebanon, Liberia, Palestine (Gaza), South Sudan and with Colombian refugees in Ecuador, Panama and Venezuela. All reports are available at womenshlp.nrc.no.



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Cover photo: Mother and daughter at IDP settlement in Herat, Afghanistan.

All photos from NRC.

FOREWORD

I welcome this NRC Briefing for its timeliness and as an opportunity to underscore three issues that highlight the interlinkage between the right to housing and humanitarian responses to crises.

The first issue is the precarious and neglected situation of displaced women who experience homelessness in many unspeakable circumstances. Many are faced with the impossible dilemma of staying in violent situations or ‘choosing’ homelessness for themselves and their children. Often women experience the cumulative impacts of various forms of discrimination and stigma on top of having been deprived of a home. Women fleeing conflict or facing the aftermath of a natural disaster are particularly vulnerable to human rights abuses and find few avenues for accessing effective and immediate support.

Second is the dire need for stronger protection and intervention systems to support women’s rights, including shedding light on the crucial role humanitarian actors can and must play in laying the ground work to ensure access to justice for women and other vulnerable groups as part of any crisis response, even if not immediately achievable.

Third, as the NRC Briefing notes, human rights can, and should, play a grounding role in humanitarian responses. An understanding of what it means to implement the right to adequate housing – short and long-term requirements – must be embedded from the outset: in the planning and setting up of a response. This means ensuring due consideration is given to understanding tenure systems; and identifying those who are at risk of being left out as a result of administrative requirements.

All States have economic, social and cultural rights obligations to meet, no matter the circumstances. As Special Rapporteur on adequate housing, I see humanitarian actors as extremely well positioned ‘enablers’ to ensure those obligations can, over time, be met. Key principles of a human rights framework, such as equality and non-discrimination, can better inform and enhance emergency services as well as recovery, if given proper consideration as early as possible. States could be encouraged to develop short, medium and long-term housing plans in compliance with international human rights standards.

This Briefing is a perfect launching pad for an ongoing conversation between humanitarian and human rights actors, with a view to ensuring the security and well-being of some of the most vulnerable peoples across the world.



Leilani Farha,
UN Special Rapporteur on the right to housing
29/03/2016



1. INTRODUCTION

1.1 Homelessness as a cause and a consequence of displacement

The most recent report of the Special Rapporteur on the right to housing, Leilani Farha, on the issue of homelessness, draws attention to this issue as a global human rights crisis.¹ This provides an opportunity to highlight the risks faced by 59.5 million people who have been forcibly displaced by armed conflicts,² and over 19.3 million newly displaced due to disasters worldwide.³ The report identifies conflicts as a cause of homelessness. Displaced persons, by definition, have to abandon their homes. Many of them have been forced to leave because of targeted discrimination. NRC's research shows that this is compounded by the repressive social norms women experience from their communities and families. Those who face discrimination because of their ethnicity, place of origin and gender, are more likely to become homeless and, once homeless, are exposed to more serious protection risks.

Refugees and internally displaced persons (IDPs) are part of the millions worldwide who have lost their homes and are subject to discrimination, stigmatisation and social exclusion. NRC's experience of supporting displaced persons shows that they face particular obstacles in accessing adequate housing during displacement and are subject to forced evictions and other human rights abuses. These problems continue in the post-conflict environment. They also struggle to assert their rights to restitution or compensation for their housing, land and property upon return. This is a significant aspect of the overarching structural and institutional causes of homelessness identified in the report.

In NRC's experience the risks are widespread for refugees and IDPs living in urban environments. It is estimated that almost half of the world's displaced now live in towns and cities,⁴ many in informal settlements. They are often forced to live in overcrowded conditions in inadequate shelter conditions, with poor sanitation and lack of access to clean water. Tenure insecurity in informal housing is particularly prevalent, and many face the threat of eviction.⁵

1 UN Human Rights Council, *Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in This Context*, 30 December 2015, A/HRC/31/54, available at: <http://www.housingrightswatch.org/sites/default/files/UN%20SR%20Right%20to%20housing%20report%202016%20eng.pdf>

2 UNHCR 2015; International Displacement Monitoring Centre (IDMC), Norwegian Refugee Council (NRC), *Global Overview 2015*

3 International Displacement Monitoring Centre (IDMC), Norwegian Refugee Council (NRC), *Global Estimates 2015*

4 ALNAP October 2015; *Global Urban Crisis Charter*

5 See NRC report on evictions in Lebanon http://www.nrc.no/arch/img.aspx?file_id=9195046&ext=.pdf



1.2 Protection and the right to housing

The Global Protection Cluster (GPC) Strategic Framework 2016-19⁶ has stated the importance of placing protection at the centre of humanitarian response, drawing on the IASC Statement on the centrality of protection in humanitarian action.⁷ The Framework refers to international law as providing a robust basis for protecting the human rights of populations adversely affected by armed conflicts and situations of violence and insecurity.⁸

International human rights law defines the right to housing and the principle of non-discrimination, both of which underpin approaches to recognise and address the issue of homelessness. In this sense, the right to housing can be seen as the right to a place to live in security and dignity. The Special Rapporteur has described homelessness as a human rights failure that goes beyond the issue of housing.⁹ This approach is useful to view homelessness in contexts of forced displacement. Often the humanitarian response only addresses the material aspects of adequate housing but is insufficient to address social aspects, let alone the systematic discrimination that hinders effective access and fulfilment of housing rights.

Drawing on the right to housing in humanitarian analysis and response can therefore strengthen protection interventions and serve as a basis for advocacy. This is supported by the Sustainable Development Goal 11: *By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums.*

6 Global Protection Cluster Strategic Framework, 2016-19. para 12 http://www.globalprotectioncluster.org/_assets/files/about_us/GPC_strategy/gpcstrategicframework.pdf

7 The Centrality of Protection in Humanitarian Action: Statement by the Inter-Agency Standing Committee (IASC) Principals, 17 December 2013 <https://www.interaction.org/document/centrality-protection-humanitarian-action-statement-iasc>

8 Global Protection Cluster Strategic Framework, 2016-19. para 14 http://www.globalprotectioncluster.org/_assets/files/about_us/GPC_strategy/gpcstrategicframework.pdf

9 UN Special Rapporteur on adequate housing: <http://citiscope.org/habitatIII/commentary/2016/02/homelessness-not-just-about-housing-its-human-rights-failure>

1.3 The most vulnerable

The IASC¹⁰ has stated that the protection of all persons affected and at risk must inform humanitarian decision-making and response. In practical terms this means identifying who is at risk, how and why, at the very outset of a crisis and thereafter taking account of specific vulnerabilities. It is particularly important to prioritise vulnerable groups, including homeless or landless prior to the conflict, who are already disadvantaged and unable to benefit from restitution or reconstruction programmes.

For this reason the Pinheiro Principles Handbook also reiterates that the UN or other agencies entrusted with assisting particularly vulnerable groups could consider developing the capacity to include landless families as a distinct group in need of protection.¹¹ Doing so would focus necessary attention on the plight of such groups and hopefully result in the development of concrete plans to give them access to affordable land and/or housing upon return.



10 The Centrality of Protection in Humanitarian Action: Statement by the Inter-Agency Standing Committee (IASC) Principals, 17 December 2013 <https://www.interaction.org/document/centrality-protection-humanitarian-action-statement-iasc>

11 Handbook on Housing and Property Restitution for Refugees and Displaced Persons: Implementing the 'Pinheiro Principles', July 2007, p.36, [http://www.internal-displacement.org/8025708F004CFA06/\(httpPublications\)/BE8C2A266A6A3349C1257314003C7627?OpenDocument](http://www.internal-displacement.org/8025708F004CFA06/(httpPublications)/BE8C2A266A6A3349C1257314003C7627?OpenDocument)

2. DISPLACED WOMEN AT RISK OF HOMELESSNESS

NRC's Information Counselling and Legal Assistance (ICLA) programmes¹² in 20 conflict-affected countries worldwide, confirm the Special Rapporteur's observations of the particular difficulties faced by women. During the past five years, NRC has undertaken programme and advocacy initiatives on the housing, land and property rights of displaced women.¹³

Research from NRC's ICLA programmes shows that displaced women are at a particular risk of losing their homes and becoming homeless.¹⁴ This is due to the intersectionality of discrimination which affects displaced women because they are refugees or internally displaced; economically disadvantaged; members of ethnic or religious minorities; and because many are living in societies where significant structural inequalities persist. In the countries where NRC works, women's security of tenure often depends on their relationship with a man; their father, brother, husband or uncle.

2.1 Hidden homelessness

The demographic changes that conflict entails result in increased number of widows and women-headed households. At a time when displaced women's survival and that of their families depends on it, they find themselves in situations of insecure tenure or facing eviction. In this sense, when a woman is evicted or loses her home and ends up having to live with relatives or host families, she should be considered homeless. The Institute of Global Homelessness defines homelessness as lacking access to minimally adequate housing.¹⁵ These women are likely to be less visible because they may not be 'sleeping on the streets'; but nevertheless are often in precarious housing situations, having to compromise their safety; forced to adopt risky coping mechanisms such as engaging in transactional sex; or trade other commodities including humanitarian aid for accommodation.

12 For more information on NRC ICLA Programmes, please visit: <http://www.nrc.no/?aid=9137054#Vtmo2cdMFQY>

13 Information and reports at womenshlp.nrc.no

14 NRC report Life Can Change: Securing Housing, Land and Property Rights for Displaced Women at <http://womenshlp.nrc.no/wp-content/uploads/2014/03/GlobalReportWHL.P.pdf>

15 UN Human Rights Council, Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in This Context, Leilani Farha 30 December 2015, A/HRC/31/54, para 10, available at: <http://www.housingrightswatch.org/sites/default/files/UN%20SR%20Right%20to%20housing%20report%202016%20eng.pdf>

DISCRIMINATION AGAINST COLOMBIAN WOMEN INCREASES EVICTION RISK

Many Colombian women refugees bear the psychological consequences of the violence which forced them to leave their place of origin. This is compounded by the multiple discrimination they face in countries of exile in the region: Ecuador, Venezuela and Panama. It affects all aspects of their lives and constitutes a significant barrier to secure tenure, leading to an increased risk of forced eviction.

Often, Colombian refugees have only a temporary legal status in these countries which limits their ability to rent and their access to state sponsored social housing schemes. Instead, they sometimes enter into agreements through a man acting on their behalf. This leaves them in a situation of vulnerability as they have no formal rights over the properties.

In Ecuador, Colombian refugee women refugees described the strength of discrimination and xenophobia they encountered when looking for rental accommodation. A study conducted by NRC¹⁶ found that without exception, female interviewees cited instances of discrimination due to their nationality, Afro-Colombian ethnicity, refugee status and gender. This discrimination is even greater towards single mothers with young children. They have to deal with stereotypes of Colombian women as sex workers, and reluctance from landlords to have them as tenants.

NRC's research found that discrimination against Colombian women was also cited as a basis for higher rent, increased deposits and less formalisation of rental contracts. As a result, women reported having to live in poor quality, overcrowded housing where more than one family share a single rented room. Coping mechanisms include entering into informal agreements, and exchanging housing for work, or squatting. Colombian women also reported problems with return of deposits when they left properties but were afraid to seek redress for fear of coming into contact with the authorities, losing their refugee documentation or otherwise having to leave the country.

2.2 Violence against women

Family breakdown has been recognised as one of the main causes of homelessness.¹⁷ If a woman leaves a violent relationship she can end up in lower-quality housing or no housing at all. NRC's research has also found that displaced women may be forced to make a decision to stay in a violent and abusive relationship when the rent or ownership of the house she is staying in is controlled by the abuser.¹⁸ A women's ability to access safe and affordable housing are two of the most pressing concerns for women wanting to escape violence in the home.

When a woman has independent access to a house or land she has an option for removing herself and her children from an abusive situation. If a woman is dependent on her spouse or others for her economic well-being, she is at greater risk of experiencing violence and is without the means to escape from harm. This particularly affects displaced women when the experience of conflict and displacement, with their

16 <http://womenshp.nrc.no/countries/ecuador/>

17 Chamberlain, C. Pathways into adult homelessness, *Journal of Sociology* November 7

18 <http://womenshp.nrc.no/countries/liberia/>



resultant socioeconomic impacts such as loss of work and income, as well as changes in social roles and status, can result in an increase in family violence.¹⁹

NRC's experience shows that displaced women are particularly affected by overcrowded housing. An overcrowded home fails to meet the criteria of adequate housing, even if physical conditions may be *minimally* sufficient for mere physical survival. For example, in apartments in Gaza, Palestine,²⁰ NRC has found that women (teenage and adult) are living in overcrowded rooms where sexual violence takes place. Having no power to request extended family members and/or the abuser(s) to leave the shelter, women are forced to create self-protection mechanisms, such as staying up all night to guard themselves and/or their daughters from abuse. This is directly related to the threat of homelessness and should be seen within that context.

19 IASC (2015) Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action: Reducing risk, promoting resilience and aiding recovery Available at http://gbvguidelines.org/wp-content/uploads/2015/09/2015-IASC-Gender-based-Violence-Guidelines_lo-res.pdf

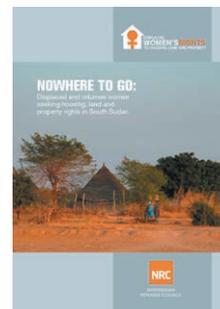
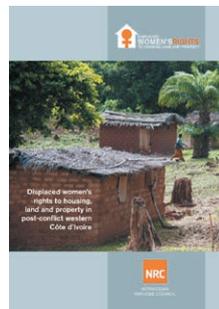
20 <http://womenshp.nrc.no/countries/palestine-gaza/>

2.3 Harmful traditional practices as a cause of homelessness

“ *In many post-conflict settings it remains commonplace for widows to return to their original homes only to find them occupied by members of the deceased husband’s family – brothers, uncles, cousins – who claim rights over the property in question based on prevailing inheritance regimes. Such practices have severe consequences on women and can lead to homelessness and landlessness, general housing and food insecurity, increased vulnerability to violence and social isolation.*

Handbook on the Pinheiro Principles

In NRC’s experience, the main structural causes of homelessness affecting displaced women are the perpetuation of harmful traditional practices that affect women’s main routes for access to housing and land – inheritance and marital property rights. NRC’s reports on displaced women describe discriminatory inheritance practices in the Central African Republic²¹ and Ivory Coast²² that result in widows (and other women) losing their housing and land. Displaced women in the Central African Republic have said that “a widow’s fate is not her own”. In South Sudan²³ returnee women were frequently quoted as stating that we have “nowhere to go” – with no customary rights to claim land of either their deceased husbands or fathers.



In Afghanistan,²⁴ a woman who has divorced her husband is required to return to her parents home, where she is likely to be seen as a burden and allowed to stay only at the ‘generosity’ of her father or brother. Her living situation therefore becomes extremely precarious. If the divorce was at her request, she will often have had to waive her rights to housing or land, sometimes under the threat of losing custody of her children.

Thus becoming homeless not only has implications for housing rights as such. It also hinders the right to a home and family life. In NRC’s legal assistance cases, displaced women have not only lost access to their housing but also to their children, because of harmful practices perpetrated by their families and communities.

In summary NRC’s experience shows that harmful practices are widespread among the displaced communities we work with and include the following, which contribute to situations of insecure tenure and homelessness:

- ▶ Eviction of widows
- ▶ Denial of marital property rights
- ▶ Exclusion from inheritance
- ▶ Omission of women’s names from title deeds and lease agreements

21 <http://womenshp.nrc.no/countries/central-african-republic/>

22 <http://womenshp.nrc.no/countries/cote-divoire/>

23 <http://womenshp.nrc.no/countries/south-sudan/>

24 <http://womenshp.nrc.no/countries/afghanistan/>

It is significant that the Africa Union has recognised harmful practices as a cause of forced displacement in the Africa Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa – The Kampala Convention.²⁵ This represents an advance in international law on forced displacement linked to gender-based violence, as it implicitly acknowledges harmful practices as a cause of homelessness.²⁶

2.4 Lack of access to justice

Promoting access to justice, including at the national level, and seeking accountability for violations of human rights law are essential elements of the IASC's protection of affected populations.²⁷ However, despite strong constitutional guarantees of equality and non-discrimination in many conflict-affected states, in reality displaced women are denied access to justice. The failure results from the lack of rule of law in conflict and post-conflict contexts, combined with the existence of discriminatory customary law at the local level, which can deprive women of their rights, leading to homelessness.

Thus a key factor exacerbating displaced women's experience of homelessness is the often total absence of available remedy when their housing and land rights are abused and violated: their lack of access to justice to challenge family and community in order to claim their marital property or inheritance. This is due to a complex range of factors including the challenges of engaging with statutory, customary and religious dispute resolution mechanisms. It also stems from the practical barriers women experience in their search for justice, such as a lack of civil documentation. Women may also face violence and social ostracism when they challenge their families to claim their rights.²⁸

Therefore promoting displaced women's access to justice is a central objective of NRC's legal assistance programmes in many countries. NRC supports displaced women to claim their rights through the range of mechanisms available, engaging with traditional/customary authorities to promote the implementation of national laws. For this, attention to marital property and inheritance practices are key. There also needs to be a clear understanding of the impact of structural violence against women, particularly those who have been or continue to be displaced.

25 <http://www.internal-displacement.org/assets/publications/Tools-and-Frameworks/200910-training-KC-AU-Convention-on-IDPs-Eng.pdf>

26 See NRC report (2015) *The Kampala Convention: Make it work for women*

27 UNHCR OHCHR paper centrality of protection in humanitarian response, <http://womenshlp.nrc.no/2015/12/the-kampala-convention-how-to-make-it-work-for-women/>

28 <http://womenshlp.nrc.no/countries/lebanon/> and NRC report *Life Can Change: Securing Housing, Land and Property Rights for Displaced Women* at <http://womenshlp.nrc.no/wp-content/uploads/2014/03/GlobalReportWHLP.pdf>



3. CONCLUSION AND RECOMMENDATIONS

The right to housing—the right to live somewhere in security and dignity—is denied to many refugees and IDPs. When displaced people live under the threat of forced eviction or are homeless, it constitutes a human rights failure that goes beyond the issue of housing.²⁹ Attention to the right to housing should therefore be central to any protection response.

Displaced women continue to experience violence and homelessness long after conflict ends. Because this can be as a result of practices perpetrated by women's families and their communities, it requires specific additional protection interventions in addition to those addressing the loss of housing as a result of the conflict. When women have secure tenure it can be a stepping stone to empowerment and the attainment of rights and benefits for their families.

Although the responsibility for the right to housing is on States, humanitarian actors can design their programmes to better support security of tenure. This is an important component of a protection response, contributing to the prevention of homelessness.

29 UN Special Rapporteur on adequate housing: <http://citiscope.org/habitatIII/commentary/2016/02/homelessness-not-just-about-housing-its-human-rights-failure>

NRC recommends the following:

1. Humanitarian actors should support the attainment of security of tenure by conflict-affected persons currently lacking such protection, with a particular focus on women.
2. Humanitarian actors should incorporate legal assistance into shelter programmes to support the most vulnerable displaced persons address the discrimination and barriers they face in accessing housing.
3. International organisations should refrain from documenting and registering assistance, such as shelter, only in the name of male heads of household. The registration of tenure rights in joint or multiple names, including of women, should be standard procedure.
4. Development actors should support States to fulfil their commitments under SDG 11 and the New Urban Agenda, ending homelessness by 2030.³⁰

30 A call by the Special Rapporteur on the right to housing, 29 February, 2016 <http://citiscopes.org/habitatIII/commentary/2016/02/homelessness-not-just-about-housing-its-human-rights-failure>

