



## **Housing Rights of Women in Former Socialist Countries in Eastern Europe.**

### **An Analysis of Human Rights Discourses under ICESCR and CEDAW.**

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### **An Analysis of Human Rights Discourses under ICESCR and CEDAW.**

The well known metaphor "My home is my castle" describes with very simple words multifaceted humane needs associated with a home. A home keeps us grounded, gives us a place to live, allows us to feel safe and protected, embeds us in social networks and influences living conditions by empowerment and participation in political, economic, social, and cultural spheres of life. But what happens to a home in a country where housing reforms change the whole housing sector? The transformation of the socialist systems in the early 1990s has caused enormous impacts on national housing policies and housing rights as many research studies about the effects of transition show (for example in Struyk; Telgarsky 1991; Kingsley, Struyk 1992; Clapham et al. 1996; Weesep 1997).

The ten Eastern European States Bulgaria, Czech Republic, Hungary, Republic of Moldova, Poland, Romania, Russian Federation, Belarus, Slovakia, and Ukraine<sup>1</sup> have ratified human rights instruments providing the right to housing and commit themselves to report about the provision and fulfillment of housing periodically. The documents, called States Parties Reports, refer to the availability of housing, its quality and the accessibility to housing. The States Parties give an overview about the housing situation of their citizens, their housing policies and developments influencing housing in their countries like the economic and social changes in the 1990s.

Taken the findings from the former Special Rapporteur on Adequate Housing who is a key figure in the universal housing discourse, women still constitute one of the most disadvantaged subgroup of all vulnerable persons faced with the violation of their housing rights in many aspects (Kothari 2003, 2005 and 2006; see also UN Habitat 1999). In order to deal with restrictions and limitations of women's housing rights, he advertises to reflect the invisibility of specific constraints and vulnerabilities of women in relation to the right to housing and the access to housing (Kothari 2003: para. 21)<sup>2</sup>, because "gender-neutral laws were interpreted and implemented in ways that discriminate and disadvantage women" by de facto discrimination (Kothari 2006: para. 9; see also Zetu 2010: p. 26). He also points out that the States Parties should provide access to housing for women in need as well as access to housing benefits in order to provide adequate housing (Kothari 2003: para 39-41). Further he is of the opinion that inadequate housing (conditions) like a lack of sanitation, water, electricity and inadequate building materials "affect women in particular", because they do mainly the reproduction work and spend more time at home than men (Kothari 2003: para. 25). From his studies he found that changes in the political, social, or economic system like the transformation and privatization in Eastern Europe has influence on women's housing situation:

"... privatization on women's access to housing and essential civic services such as water and sanitation, domestic violence, forced eviction, affirmative action and special measures for women." (Kothari 2003: para. 61).

Against this background it is not surprising that women's housing rights are an elementary part of the global housing discourse and have been on the agenda of the Commission on Human Rights as a key topic since 1997<sup>3</sup>.

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<sup>1</sup> The classification of those countries belonging to Eastern Europe is based on the classification of the UN region system.

<sup>2</sup> See also Moller Okin 1998 who argues about considering the needs and vulnerabilities of women in the human rights in general (Moller Okin 1998: 313-321).

<sup>3</sup> Recent relevant resolutions include 2000/13, 2001/34 and 2002/49 of the Commission on Human Rights; 1997/19, 1998/15 and 1999/15 of the Sub-Commission on the Promotion and Protection of Human Rights; and 42/1 of the Commission on the Status of Women

The existence of those States Parties Reports makes thus the analysis of those self-descriptions very attractive in order to reconstruct the position of women in the global housing discourse in these countries and helps – of course just to certain extent – to fill the blind spot of research analysis on women’s housing rights in Eastern European Countries especially in the context of the transformation processes in the early 1990s.

Before presenting the results, I will explain why spatial planners are vicarious agents in the realization of human rights on the one hand and what is regarded as adequate housing on the global level on the other hand. Linking planners to human rights helps to understand why analyzing self-descriptions of those ten countries from a discourse analytical perspective is important for planners, too.

### **1. Housing Rights and Spatial Planners**

Basic living conditions like housing, food, and water provide a minimum of livelihood and are elements of global human rights discourses as well as of local planning discourses. Planners as well as stakeholders in human rights discourses are engaged in developing policies and measures to provide housing. It is thus not surprising that spatial planners can be titled as vicarious agents in realizing human rights, although it can be assumed that they would not associate human rights with their work directly when for instance, they develop a legally binding land-use plan.

In order to find out if, and to what extend spatial planning with a focus on land policy plays a role in the human rights in general, the research project “*Socio-ecological Land Policy*” (principal investigator: Professor Dr. Benjamin Davy; TU Dortmund), funded by the DFG<sup>4</sup>, was developed. It analyzes land policies, land as common and private property as well as the "spatiality of poverty and wealth" in the human rights in order to find out if a global understanding of a minimal access to land can be identified (Davy 2009, 2012: p. 170). Although the distribution of human rights is not equal to all humans and specific groups experience higher human rights' violations than others, the project does not focus on persons with special needs and interests. For that reason I will add this aspect by writing my doctoral thesis. The project of Professor Benjamin Day is part of FLOOR (Financial Assistance, Land Policy, and Global Social Rights), an interdisciplinary research group that examines social security as a human right from a spatial, legal and sociological perspective (principal investigators: Benjamin Davy, Ulrike Davy, Lutz Leisering; [www.floorgroup.de](http://www.floorgroup.de)).

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<sup>4</sup> German Research Council (Deutsche Forschungsgemeinschaft)

## 2. Adequate Housing in ICESCR and CEDAW

In the universal human rights system two treaty bodies have been established which focus among other human rights specifically on the right to housing as being part of the adequate standard of living and adequate living conditions (Davy 2012). Whereas ICESCR<sup>5</sup> guarantees the right to housing, CEDAW<sup>6</sup> monitors the living conditions of women and promote women's rights like "... housing ..." (Art. 14 para. 2 [e], CEDAW). Both base on the UDHR<sup>7</sup> upon which the current system of human rights has been built.

The right to housing is not only related to the home as a building. Neither the language of ICESCR nor of CEDAW defines the meaning of “adequate” as a form of a consensus. For that reason the Committee on Economic, Social and Cultural Rights points out in its General Comment No. 4 that "adequate is partly determined by social, economic, cultural, climatic, ecological and other factors" which should be reflected as a complex construct in the descriptions of the national situation of housing and property rights in a member state (Committee on Economic, Social and Cultural Rights 1991: para. 8).

Housing rights as the committee argues imply some key issues which can be identified as minimal criteria or benchmarks for monitoring the adequacy of housing:

- a legal security of tenure,
  - availability of services, materials, facilities and infrastructure,
  - affordability of housing
  - habitability
  - accessibility
  - location<sup>8</sup> and the
  - cultural adequacy of homes
- (Committee on Economic, Social and Cultural Rights 1991: para. 8 [a-e]).

In addition to the General Comment, the States Parties should orientate their contents towards the reporting guidelines. These guidelines include specifications about housing related topics that should be integrated into the reports like (inter)national legal housing instruments and political measures to fully realization of housing rights. Knowing that external and/or internal factors have a positive or negative impact on

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<sup>5</sup> International Covenant on Economic, Social and Cultural Rights, adopted on 16.12.1966 by General Assembly Resolution 2200 (XXI), 21st Session.

<sup>6</sup> Convention on the Elimination of All Forms of Discrimination Against Women, adopted on 18.12.1979 by General Assembly Resolution 34/180, 34th Session.

<sup>7</sup> Universal Declaration of Human Rights, adopted on 10.12.1948 by General Assembly Resolution 217 A (III), UN GAOR, 3rd Session.

<sup>8</sup> Location includes the distance to social infrastructure like schools, jobs, medical care or the provision of public transportation for example (Zetu 2010: p. 11-19).

housing rights and its effects on "disadvantaged and marginalized individuals and families" as the actual guidelines from 2009 postulate (Committee on Economic, Social and Cultural Rights 2009: para. 51 [b]), the States Parties also take such factors into account.

### **3. Women's Housing Situation in Former Socialist Countries – Selected Research Results**

After explaining the relationship between spatial planners and human rights and the understanding of adequate housing, the following chapter provides information about women's housing rights described by former Socialist European Countries in the human rights instruments ICESCR and CEDAW. The data source consists of the States Parties Reports and Concluding Observations of the member States Bulgaria, Czech Republic, Hungary, Republic of Moldova, Poland, Romania, Russian Federation, Belarus, Slovakia, and Ukraine<sup>9</sup>. The States Parties Reports and the Concluding Observations (ICESCR) were collected and prepared by Professor Ulrike Davy and her team from the Chair of Constitutional and Comparative Law (University Bielefeld) in the context of FLOOR<sup>10</sup>. The data material of CEDAW was collected and prepared by Professor Benjamin Davy and his team from the Chair of Land Policy, Land Management, Municipal Geoinformation (TU Dortmund University). Following a discourse analytical approach of Reiner Keller (2008, 2011a, 2011b), this paper includes the self-descriptions of the member States of ICESCR and CEDAW and the reactions on those reports of the associated Committees. This leads to an analysis which topics are discussed and not on the global level. It reflects a need for further discussion and action, because the States Parties do not refer to all specific parameters of the guidelines and requirements for adequate housing. Referring to the statements of Kothari in the first section, I am analyzing the following selected aspects from a gender perspective in the context of the transformation processes in the 1990s<sup>11</sup>:

#### **1. Legal equality of housing rights**

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<sup>9</sup> In the following passages of the article acronyms for the country names are used to facilitate the readability of the text: Bulgaria (BGR), Czech Republic (CZE), Hungary (HUN), Republic of Republic of Moldova (MVA), Poland (POL), Romania (ROU) Russian Federation (RUS), Belarus (BLR), Slovakia (SVK) and Ukraine (UKR). Although some States like RUS etc. had other country names before 1990, the actual ones that are used in the UN reporting system are applied instead of the old country names. In order to differ between reports from CEDAW or ICESCR, the reports under CEDAW get an asterisk behind the country name (for example HUN\*2006 is the sixth periodic States Party Report submitted by Hungary under CEDAW).

<sup>10</sup> Thank you for sharing! Special thanks go to Luise Buschmann.

<sup>11</sup> The effects of Chernobyl and wars have not been considered, although both events have had enormous impacts on housing till today. Thus the article includes only selected aspects of the housing discourse in the context of human rights.

2. Women in selected national housing measures
3. Adequate housing

### 3.1. Legal Equality of Housing Rights

This section deals with housing related topics from a legal perspective found in the States Parties Reports and the Concluding Observations. From the analysis of the human rights' documents the following aspects play a role for the States Parties and both Committees referring to legal law:

- Provision of the right to housing
- Free choice of the residence
- Access and availability of housing benefits, bank loans, mortgages and other forms of financial credit

ICESCR provides the **right to housing** (Art.11.1, ICESCR); in contrary to the covenant, the States Parties under CEDAW argue describe potential discrimination in joy of this right under Article 14.2. All States promise to realize this goal for their citizens in general in both reporting systems (see table 1). Seven CEDAW member States<sup>12</sup> and four ICESCR member States<sup>13</sup> mention equal access to the right to housing especially for women in their reports (see table 1).

**Table 1: States Parties Reports under ICESCR and CEDAW mention the right to housing**

Topic	Right to housing (in general)		Right to housing (for women)	
	ICESCR	CEDAW	ICESCR	CEDAW
<b>BGR</b>	X	X		
<b>BLR</b>	X	X		X
<b>CZE</b>	X	X	X	X
<b>HUN</b>	X	X	X	
<b>MVA</b>	X	X	X	
<b>POL</b>	X	X	X	X
<b>ROU</b>	X	X		
<b>RUS</b>	X	X		X
<b>SVK</b>	X	X		X
<b>UKR</b>	X	X		X

Source: States Parties Reports under ICESCR and CEDAW, author's analysis

<sup>12</sup> BLR\*, CZE\*, HUN\*, POL\*, RUS\*, SVK\*, UKR\*

<sup>13</sup> CZE, HUN, POL, MVA

Following the self-descriptions legal law does not include restrictions for women (constitution, civil code, family code) or the language of national housing instruments implemented after 1990 like the cadastral register (BGR 1996: para. 7 [d]), housing programs like “Your own home” (RUS 2001: para. 293), or National Housing Funds (POL 1996: para. 426), and land/agrarian reforms (for example BGR\* 1994: para.12 [e]; RUS\* 1991: para 275 [g]; BGR 1996: para. 3; RUS 1995, para. 213). Although housing laws have been renewed or implemented like State Privatization Acts for example in the Ukraine since 1990, detailed information about the effects of those rights on the housing situation does not exist in general, as well as there is a lack of specific information on women's housing situation as the Committee on Economic, Social and Cultural Rights criticizes (UKR 1995 CO, para. 27)<sup>14</sup>. Only Russia explains in its fourth States Party Report under ICESCR that “violations of the housing laws have multiplied” since 1990 (RUS 2001: para. 43), without naming affected groups of persons. But it documents restrictions for their citizens in the housing sector as an effect of the transition:

“A large proportion of cases concern the issuance of unlawful legal documents imposing restrictions on people's rights to receive housing or housing subsidies, housing privatization, and the housing of minors and of citizens unable to look after themselves.” (RUS 2001: para. 43)

All member states of CEDAW admit women **to choose the residence and domicile** as Article 15.4 CEDAW demands. On the contrary, the language of ICESCR as well as the guidelines do not include such a request with the result that the States do not take the stand if women are allowed to decide where they want to live in the reporting system under ICESCR. If cultural norms or traditions exists that deprive women from their freedom of choice as the Special Rapporteur on Adequate Housing Kothari highlights (2006: para. 37f.) is not documented either in the reports of the convention or the covenant, nor being requested from by both committees.

The language of the Covenant on Economic, Social and Cultural Rights as well as the guidelines do not include a request to describe the **availability and accessibility of housing benefits, bank loans, mortgages and other forms of financial credit** as the Article 13 (a) and (b), CEDAW, does. For this reason only the States Parties Reports in the CEDAW reporting system can be consulted. Here, all ten countries agree in the equality approach of CEDAW that there are no gender based causes why women should be limited or restricted in getting financial support in order to realize their right to housing. If access to housing benefits is limited for women in reality

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<sup>14</sup> The Concluding Observations are published by the Committees under CEDAW and ICESCR. In order to show to which States Party Report a Concluding Observations belongs, the Concluding Observations are titled as follows: UKR 1995 CO. This means the Concluding Observations belong to Ukraine and was published in 1995. After the country name of Concluding Observations published by the Committee on the Elimination of Discrimination against Women an asterisk is attached to differ between the Concluding Observations of both Committees.

cannot be inferred from the self-descriptions of the States, although the Committee complains 2010 about limited access to social benefits of housing for Roma women in the Ukraine (UKR\* 2010 CO: para. 29).

The findings collected from the descriptions of the States and the Committees imply that women are not categorized as disadvantaged or discriminated by legal law. But that does not indicate that women are not faced with discrimination in the housing context from a legal perspective, because the Committees ask for more details in the descriptions of the States and further research on housing rights of women in order to assess the effects of gender neutral law. The existence of a lack of information about the effects of law on women's housing rights can be derived from the Concluding Observations of both Committees. General housing statistics are requested from five member States of ICESCR in order to get a better overview about the housing situation without a gender perspective<sup>15</sup>. Seven States should provide specific information about women's housing situation in the CEDAW reporting system<sup>16</sup>. The Committee on the Elimination of All Forms of Discrimination against Women advises to collect statistical data for specific situations which affect housing rights of women directly like general multiple forms of discrimination (BLR\* 2011 CO: para. 41). It has also comments in its Concluding Observations to the Czech Republic that “domestic violence deprives from safe accommodation” and demanded thus the Czech Republic, but also the Russian Federation to provide measures against violence as well as statistics (CZE\* 2002 CO: para 81; RUS\* 2010 CO: para. 48). Although “serious changes in the national housing policies have occurred since 1990” as Bulgaria summarizes the transition effects (BGR 1996, para. 222), the States do not inform about restrictions or limitations on women based on the legal texts on the one hand. They also do not describe if they have taken specific needs and vulnerabilities of women in law into account.

### **3.2. Women in Selected National's Housing Measures**

In order to realize adequate housing, living space must be available and accessible and should be provided for women, because on the global level it is common sense that women face discrimination in practice, even national legal frameworks provide equal access and availability to housing (Kothari 2003: para. 42-49). Thus this section deals with following housing aspects:

- Improvement of housing
- Housing construction
- Housing benefits

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<sup>15</sup> HUN CO, POL CO, ROU CO, SVK CO and UKR CO

<sup>16</sup> BLR\* CO, BGR\* CO, CZE\*CO, HUN\* CO, MVA\* CO, RUS\* CO, UKR\* CO

One aspect of the improvement of living conditions is the **improvement of housing** in general as six CEDAW member States<sup>17</sup> and nine ICESCR member States postulate<sup>18</sup>. For the States, this task is “one of the basic targets of economic and social policy” as Poland already explains in the 1980s for the other countries representatively (POL 1980: p. 18). Only few reasons for the improvement differ before and after the 1990s. Inadequate housing conditions play a role since the first reports in the late 1970s (see 3.3). Housing needs of young married couples or families (for example HUN 1985: para. 7; POL 1980: p. 19; ROU 1979: para. 20-21; UKR 1985: para. 17), housing needs of low-income families (POL 1986: para. 19 [a]; RUS 1980: p. 15), and unsatisfied housing demands (HUN 1985: para. 47) are listed before 1990. As a consequence of the changes in the housing sector since 1990, the States argue with ineffective housing distribution (BGR 1996: para. 216) and deteriorated basic structure of buildings (MDA 2003: para. 492) in order to legitimate the improvement of housing.

Seven member States of CEDAW<sup>19</sup> and four member States of ICESCR<sup>20</sup> point out housing improvement especially for women in their reports. Reasons are focused on women in need in cases of domestic violence (POL\*2004: para. 104) or “for basic target groups like [...], pregnant women, women with underage children...” (RUS\* 2009: para. 16). Unemployment or lower wages are not listed as reasons for targeted housing improvement, although the States Parties describe in their reports under CEDAW<sup>21</sup> that the transformation processes cause instability and job problems especially for women like Moldova:

“The unstable social-economic situation in the country and the increase in unemployment and in the number of persons socially vulnerable affects the micro-climate of the family and women.” (MDA\* 1998: para. 63)

In the ICESCR reporting system only the Ukraine reveals the connection between the transformation process and the lack of women’s jobs (UKR\* 1991: para. 7). Neither under the covenant nor the convention, the member States do not connect negative effects in the economic sphere as well as the failing living conditions resulting from the reforms in the 1990s to the housing situation of women.

The **construction of housing**<sup>22</sup> is provided firstly in form of nationalized social housing or private housing offerings; secondly, citizens can receive financial subsi-

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<sup>17</sup> BLR\*, CZE\*, HUN\*, MDA\*, RUS\*, UKR\*

<sup>18</sup> BLR, BGR, CZS, HUN, POL, MDA, RUS, SVK, UKR

<sup>19</sup> BLR\*, CZE\*, HUN\*, POL\*, RUS\*, SVK\*, UKR\*

<sup>20</sup> CZE, HUN, POL, MDA

<sup>21</sup> CZE\*, HUN\*, POL\*, MDA\*, UKR\*

<sup>22</sup> The construction of housing is a measure to ensure available housing.

dies for housing consumption. Six member States under ICESCR<sup>23</sup> and five member States under CEDAW<sup>24</sup> have housing construction on their agendas, but do not consider distribution problems (see table 2).

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<sup>23</sup> BGR, HUN, POL, ROU, RUS, UKR

<sup>24</sup> BGR\*, POL\*, RUS\*, SVK\*, UKR\*

**Table 2: States Parties Reports under ICESCR and CEDAW mention housing construction**

Topic	Construction of housing (in general)		Construction of housing (for women)	
	ICESCR	CEDAW	ICESCR	CEDAW
<b>Treaty Body</b>	<b>ICESCR</b>	<b>CEDAW</b>	<b>ICESCR</b>	<b>CEDAW</b>
<b>BGR</b>	X	X		X
<b>BLR</b>			X	X
<b>CZE</b>			X	
<b>HUN</b>	X			X
<b>MVA</b>				
<b>POL</b>	X	X	X	X
<b>ROU</b>	X			
<b>RUS</b>	X	X		X
<b>SVK</b>		X		
<b>UKR</b>	X	X		X

**Source: States Parties Reports under ICESCR and CEDAW, author's analysis**

Housing construction for women has been established in Poland for women affected by domestic violence (POL\* 2004: para. 104) as well as for “incomplete families” in Belarus (BLR\* 2002: p. 56). The Czech Republic also organizes homes for mothers with children (CZE 1980: p. 10). Bulgaria and Ukraine provide shelters or housing help for victims of trafficking (BGR\* 2011: para. 57; UKR\* 2008: p. 37). For invalids like the “Heroin Mothers” in Belarus and women with children who do not overcome life damages housing is also provided (BLR\* 1987: p. 21; CZE 2000: para. 423-424). Female refugees in Russia were resettled (RUS\* 2009: para. 88). Hungary and Poland report about the provision of shelters for homeless women with children, housing help, mother-child homes, crisis homes and women’s houses (HUN\* 1995: para. 128; POL 1996: para. 286 (v); POL 2001: para. 259; POL 2007: para. 574-582), although most of the shelters in Poland were run by nongovernmental organizations (POL\* 2004: para. 109). Housing construction was reduced in some countries before the collapse of the socialist system as Hungary 1985 explains. There, the

“...volume of state-financed housing constructed diminished and priority was given to the construction of dwellings in housing property held by citizens” (HUN 1985: para. 48).

Although privatization had existed before the transformation processes, it was seen as an option to improve the offering of living space after 1990. In how far this approach combined with political activities has helped to increase private housing property has been successful or implies housing problems, has been documented by the Republic of Moldova just picking up one example. It says that:

“...the home construction sector reached its highest point, but beginning in 1991 it has seen a continuous decline both in the public and private sectors. Construction decreased from 20,200 units in 1990 to 2,900 in 1999; many dwellings were left unfinished.” (MVA 2003: para. 486)

For housing consumption – irrespective of being used for ownership or rent – **housing subsidies** are offered for different target groups with different needs in order to guarantee them economic access to housing for rent or ownership. Credits and housing benefits as well as long-term loans are granted by States for housing consumption especially to young married couples or families as target groups as seven States document in their ICESCR reports<sup>25</sup> (see table 3). Since the fundamental changes of the former socialist systems, credits for residence or mortgage credits have been developed as Russia 2009 for example informs (RUS\* 2009: para. 19, 33). In how far similar credits, tax benefits or adequate benefits for rent for women have been introduced or further developed for other target groups rather families, are documented only in a few countries. The Russian Federation informs in its actual CEDAW report that single mothers are also allowed to get financial support (RUS\* 2009: para. 404). In addition, in its combined sixth and seventh States Party Report submitted to CEDAW, the State bring up the extension of housing benefits for single parents in general (RUS\* 2009: para. 89). In order to monitor this development, the Committee on the Elimination of Discrimination against Women asks for further information (RUS\* 2010 CO: para. 42).

**Table 3: States Parties Reports under ICESCR and CEDAW mention housing subsidies**

Topic	Housing Subsidies (in general)		Housing subsidies for women	
	ICESCR	CEDAW	ICESCR	CEDAW
<b>Treaty Body</b>	<b>ICESCR</b>	<b>CEDAW</b>	<b>ICESCR</b>	<b>CEDAW</b>
<b>BGR</b>	X			
<b>BLR</b>				
<b>CZE</b>	X			
<b>HUN</b>	X			
<b>MVA</b>				
<b>POL</b>	X			
<b>ROU</b>	X			
<b>RUS</b>	X			X
<b>SVK</b>	X			
<b>UKR</b>				

Source: States Parties Reports under ICESCR and CEDAW, author's analysis

<sup>25</sup> BGR, CZE, HUN, POL, ROU, RUS and SVK

If the provision of housing benefits in general or housing benefits for women have been influenced by the transformation processes is only described by Bulgaria. Under the covenant it points out 1996, that a

- “discontinuation of States subsidies for housing”,
- “a reduced solvency of the greater part of the population and a sharp rise in prices” as well as a
- “high interest rate on house loans” lead to great problems for its citizens.”  
(BGR 1996: para. 222)

The existence of problems to get access to housing as a consequence of the transition can be assumed from the following statements, because the Committee on Economic, Social and Cultural Rights is

“... deeply concerned about the acute shortage of housing and the privatization of some public housing stocks which have resulted in a sharp rise in rents, forced evictions and homelessness.” (CZE 2002 CO: para.19)

It also criticizes the Republic of Moldova because “... rising real estate prices have negatively affected the accessibility and affordability of housing ...” (MVA 2003 CO: para. 23)

### **3.3. Adequate Housing**

The Committee on Economic, Social and Cultural Rights published their global understanding of adequate housing in 1991. In this context three questions arise that should be embedded in the changes of the economic and social systems: First, which countries report about the lack of adequate housing; secondly which reasons are listed and third are women affected by that.

Only Poland uses the term of inadequate housing in its fourth periodic States Party Report from (POL 2001: para. 238); other terms are a substandard housing (POL 2001: para. 238) or inappropriate housing (CZE 2000: para. 419). But most of the States do not evaluate housing as inadequate, although the criteria for adequate housing are not fulfilled as the following example of the Russian Federation shows:

“Owing to the shortage of good-quality drinking water, the majority of rural areas are at risk of an epidemic. Many rural inhabitants use water from wells, rivers and natural reservoirs for cooking and other domestic purposes. Only 28 per cent of rural settlements have running water.” (RUS 2001: para. 286)

Eight States under ICESCR<sup>26</sup> describe that shortcomings with the provision of adequate housing are mainly based on a lack of infrastructure (water supplies and sani-

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<sup>26</sup> BLR, BGR, CZE, HUN, POL, MVA, RUS, UKR

tary conditions<sup>27</sup>, electricity<sup>28</sup>). Other reasons are: illegal or inhabitable housing (HUN 2005: para. 416; MVA 2008: para. 624), and overcrowding (BGR 1999 CO: para. 18). Under the covenant, the States Parties do not explain if and how inadequate housing conditions influence women particularly. In contrast to ICESCR, all member States of CEDAW document a reduced adequacy of housing in general (see table 4). In those reports, too, infrastructural problems are identified as the primary cause for substandard housing. With the exception of Roma women in Hungary and the Czech Republic, women are not mentioned or specified as vulnerable or limited in the context of inadequate housing conditions. Hungary names unhygienic standards as a result of bad housing in this context (HUN\* 2000: p. 10); both States correlate the appearance of diseases with bad housing (HUN\* 2006: p.40; CZE\* 2004: para. 258).

**Table 4: States Parties Reports under ICESCR and CEDAW mention inadequate housing conditions**

Topic	Inadequate housing conditions (in general)		Inadequate housing conditions for women	
	ICESCR	CEDAW	ICESCR	CEDAW
<b>Treaty Body</b>				
<b>BGR</b>	X	X		
<b>BLR</b>	X	X		
<b>CZE</b>	X	X		X
<b>HUN</b>	X	X		X
<b>MVA</b>	X	X		
<b>POL</b>	X	X		
<b>ROU</b>		X		
<b>RUS</b>	X	X		
<b>SVK</b>		X		
<b>UKR</b>	X	X		

Source: States Parties Reports under ICESCR and CEDAW, author's analysis

The essence of the reports shows that problems referred to inadequate housing have been existing for a long period of time or are elements of the actual housing problems of the citizens in Eastern European Countries, although the States invest in collective water and utility and sanitation like Hungary after the reforms of 1990 (HUN 2005: para. 374).

In both reporting systems the States Parties do not express in how far the radical change of laws, privatization and changes of the economic system influence the pro-

<sup>27</sup> for example CZE 1980: p. 30; CZE 2000: para. 523; HUN 1984: para. 129; HUN 2005: para. 348; POL 1996: para. 402; RUS 2001: para. 277

<sup>28</sup> MVA 2008: para. 669; RUS 2001: para. 277

vision of adequate housing positively or negatively in their reports. But after those changes, the States Parties focus more on the seven criteria of the Committee on Economic, Social and Cultural Rights linked with adequate housing.

#### **4. Conclusion**

The analysis of the States Parties Reports with regard to women's housing rights expose two results. Firstly: the analysis of the self-descriptions of the States shows a lack of detailed information about women's housing rights in both human rights treaties, although the former Special Rapporteur on Adequate Housing highlights that women are faced with multiple discrimination in their housing rights and the guidelines recommend the States Parties to document the influence of housing measures and policies on their citizens as well as discrimination should be described under CEDAW. Secondly the analysis makes clear that the blind spot in scientific research referring to women's housing rights in the context of the collapse of the socialist system cannot be filled, but is a first step to illustrate the need for further analysis. Following Tsenkova and French, "gender inequalities in housing in Europe [...] may not be as problematic compared to other regions of the world" (2011: p. 55), the reports and the Concluding Observations include some hints that the housing situation of women is influenced negatively by the radical changes in the 1990s.

All States document that housing laws and policies are gender-neutral and that women are not excluded from enjoying a free choice of residence or housing benefits, and other forms of financial measures to guarantee adequate housing. This neutrality, seen as progressive policy, in connection with a reappraisal of old gender stereotypes and the primary view on women as the Committee on the Elimination of Discrimination against Women have observed (RUS\* 1995 CO: para. 530; BLR\* 2000 CO: para. 361; POL\* 1991 CO: para. 170), are potential causes for de facto discrimination and disadvantage following the argumentation of Kothari (2003, 2005, 2006). Gender-neutral law or gender-neutral housing policies do not prevent women from traditional or customary practices that restrict housing rights or the access to financial support of women (Kothari 2003: para. 21). Although this knowledge is part of the global housing discourse, the States did not seize the chance to take women's interests and vulnerabilities into account in the renewing of housing laws in order to harmonize national law and the global housing approaches.

Worldwide observations of Kothari also show that few women are able "to pursue claims for their rights against male relatives" in cases of divorce, inheritance or domestic violence (Kothari 2003: para. 44-45). Violence and unsafe accommodation plays a role in both reporting systems, because it can lead to eviction, homelessness and other forms of discrimination. Some States document that they improve housing

for women in need (see 3.2), but they do not describe whether the transformation processes have had influences on those offerings as well as they do not describe whether women are affected by eviction and thus unsafe or uninhabitable housing (Kothari 2006: para. 66-70). In how far housing help is implemented in national housing policies to abolish an existing lack of awareness of legal rights has not been reported. This is in the context of legal security of tenure important, because low income groups or persons "who are not able to buy or rent a formal house" are affected by that particularly (Zetu 2010: p.17).

The elaboration of gender-sensitive housing policies as Kothari 2006 requested has been established by providing housing for women in need (see 3.2), but not for women in unstable economic situations. Through the economic changes in those countries, especially women have been affected by unemployment, lower wages, and failing living conditions (see 3.2). This facts together with increasing rents, housing shortage, eviction, and homelessness as a consequence of the transition (see 3.2) implies that women's housing rights are affected by that, too. This is in so far speculative, because only few States Parties refer to negative effects like restrictions to the access to housing, housing subsidies, or housing privatization and do not name affected groups. In order to monitor this adoption, statistics and information are needed especially referring to the economic situation of women and access to housing.

A lack of information can also be identified in the descriptions of adequate housing. Only few criteria are mentioned like technical infrastructure and the affordability of housing. With exception of Roma women, effects of substandard living conditions on women or other groups are not mentioned, although most States inform about problems with inadequate housing. From the actuality of the findings can be concluded that it is still part of ongoing housing policies in those ten States. The connection between the transformation processes (including privatization) and its consequences for adequate housing-related aspects like the availability and accessibility of safe water, energy, sanitation etc. have had not been liaised from the States. Privatization and liberalization of those services lead to increased costs, bureaucratic barriers and finally to access limitations (Kothari 2005: p. 2). Thus detailed data should be collected in order to find out whether this global observation from Kothari can be transferred on the housing situation of women in these Eastern European Countries, too.

Till now many questions have not been answered yet; for instance the availability and accessibility of housing in the context of privatization, the development of a housing market, and not least the effects on property under a gender-sensitive perspective. Therefore we as spatial planners, as experts for adequate housing conditions, can resume the discussion of what is not mentioned in the reports and where

our experts' opinion and survey is requested in order to focus more on people rather than places.

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## Quotations from the States Parties Reports and the Concluding Observations

The States Parties Reports and the Concluding Observations under ICESCR have been collected and prepared by Professor Ulrike Davy and her team in the context of the FLOOR project (see p. 4 and 6). The quotations and concrete examples in this article reference on the list of the following documents, mostly available at the United Nations Bibliographic Information system (UNBISNET, <http://unbisnet.un.org>) or on the Committee on Economic, Social and Cultural Rights (<http://www2.ohchr.org/english/bodies/cescr/sessions.htm>). On both homepages, the other States Parties Reports from these member States and Concluding Observations of the Committees can be downloaded.

### States Parties Reports

ICESCR	CEDAW
BGR 1996: Third periodic reports. E/1994/104/Add.16	BGR* 1994: Combined second and third periodic reports. CEDAW/C/BGR/2-3
CZE 1980: Initial periodic reports. E/1980/6/Add.21	BGR* 2011: Combined fourth, fifth, sixth and seventh periodic reports. CEDAW/C/BGR/4-7
CZE 2000: Initial periodic reports. E/1990/5/Add.47	BLR* 1987: Second periodic reports. CEDAW/C/13/Add.5
HUN 1984: Initial periodic reports. Rights covered by articles 10 to 12. E/1980/6/Add.37	BLR* 2002: Combined fourth, fifth and sixth periodic reports. CEDAW/C/BLR/4-6
HUN 1985: Second periodic reports. E/1986/4/Add.1	BLR* 2010: Seventh periodic reports. CEDAW/C/BLR/7
HUN 2005: Third periodic reports. E/C.12/HUN/3	CZE* 2000: Second periodic reports. CEDAW/C/CZE/2
MVA 2003: Initial periodic reports. E/1990/5/Add.52	CZE* 2004: Third periodic reports. CEDAW/C/CZE/3
MVA 2008: Second periodic reports. E/C.12/MDA/2	HUN* 1995: Third periodic reports. CEDAW/C/HUN/Add.1
POL 1980: Initial report. E/1980/6/Add.12	HUN* 2000: Combined fourth and fifth periodic reports. CEDAW/C/HUN/4-5
POL 1986: Second periodic report. E/1986/4/Add.12	HUN* 2006: Sixth periodic reports. CEDAW/C/HUN/6
POL 1996: Third periodic report. E/1994/104/Add.13	MDA* 1998: Initial periodic reports. CEDAW/C/MDA/1
POL 2001: Fourth periodic reports. E/C.12/4/Add.9	POL* 2004: Fourth and fifth periodic reports. CEDAW/C/POL/4-5
POL 2007: Fifth periodic reports. E/C.12/POL/5	POL* 2004: Sixth periodic reports. CEDAW/C/POL/6
ROU 1979: Initial periodic reports. E/1980/6/Add.1	RUS* 1991: Third periodic reports. CEDAW/C/USR/3
RUS 1980: Initial periodic reports. E/1980/6/Add.17	RUS* 2009: Combined sixth and seventh periodic reports. CEDAW/C/USR/7
RUS 1995: Third periodic reports. E/1994/104/Add.8	UKR* 1991: Third periodic reports. CEDAW/C/UKR/3
RUS 2001: Fourth periodic reports. E/C.12/4/Add.10	UKR* 2008: Combined sixth and seventh reports. CEDAW/C/UKR/7
UKR 1985: Second periodic reports. E/1986/4/Add.5	

## Conclusion Observations

ICESCR	CEDAW
BGR 1999 CO: Concluding Observations of the third periodic reports. E/C.12/1/Add.37	BLR* 2000 CO: Concluding Observations of the third periodic reports. Contained in document A/55/38
CZE 2002 CO: Concluding Observations of the initial periodic reports. E/C.12/1/Add.76	BLR* 2011 CO: Concluding Observations of the seventh periodic reports. CEDAW/C/BLR/CO/7
MVA 2003 CO: Concluding Observations of the initial reports. E/C.12/1/Add.91	CZE* 2002 CO: Concluding Observations of the second periodic reports. Contained in document A/57/38
UKR 1995 CO: Concluding Observations of the third periodic reports. E/C.12/1995/15	POL* 1991 CO: Concluding Observations of the second and third periodic reports. Contained in document A/46/38
	RUS* 1995 CO: Concluding Observations of the third and fourth periodic reports.
	RUS* 2010 CO: Concluding Observations of the combined sixth and seventh periodic reports. CEDAW/C/USR/CO/7
	UKR* 2010 CO: Concluding Observations of the combined sixth and seventh periodic reports. CEDAW/C/UKR/CO/7