

# An Exploration of Gender Roles in Relation to the Housing and Land Rights

Taiwan Alliance of Anti-Forced Eviction  
Working Poor Unite

- Introduction
  - In this report, a study was conducted to investigate women's situation of housing in Taiwan from the perspective of negative protection of the right to housing. Through three focus group interviews and two expert seminars in which the public also participated, the experiences and opinions of women who faced housing difficulties, organizers, NGOs, experts, and scholars were collected. The conclusions of the study are as follows:
    - Although the policies and regulations related to development and housing demolition do not involve direct discrimination against women, in actual practice, women are particularly vulnerable and disadvantageous because of traditional values and existing gender inequality.
    - The Taiwanese government has failed to invest sufficient resources in vulnerable groups whose housing right is easily violated (e.g., homeless people and residents in informal settlements), and the corresponding policies have also not been comprehensive. Under the situation that all these vulnerable groups were without adequate protection, gender issues related to housing rights have been invisible, rendering women even more disadvantageous.
- Situation of Forced Eviction in Taiwan
  - The Taiwanese government signed the ICCPR and ICESCR and enacted the Act to Implement the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in 2009. The right to housing is specifically stipulated in Article 11 of the ICESCR and is the right that every person in Taiwan should have. In 2017, the Housing Act was amended, which specifies that the definition of housing should refer to that described and interpreted in the ICCPR and ICESCR. However, incidents of forced demolition and eviction have continuously occurred in Taiwan, and the Taiwanese government has even denied the right to housing enjoyed by the residents in informal settlements for several times.
  - During the process of urban development in Taiwan, the profits gained from land development has long been prioritized over the right to housing; both governmental policies and legal systems lack the perspective of right to housing. Therefore, incidents of forced eviction have occurred frequently, regardless of whether the development projects are initiated by the government or private corporations. Under the supremacy of real estate economy, forced eviction victims' livelihood and networks in community life, the local context, and related environments and histories have all been poorly treated.

- Authoritarianism has remained in the development system in Taiwan. The development system in the name of public interest and professionalism is actually autocratic in practice; safe and adequate housing has not been regarded as people's fundamental right. Therefore, residents that seem to be protected by the right to property may still suffer from forced eviction. In particular, small landowners and owner-peasants are frequently forced to receive monetary compensation and then be evicted because of the low value of the real estates they own.
- People without land property are even more helpless when facing forced demolition and eviction. These people, including tenants, homeless people, and residents in informal settlements are not formally considered as interested parties under current legislations. In addition, some of them (e.g., the disabled, older adults, and economically disadvantaged people) are disadvantageous in terms of the socioeconomic status and thus typically have difficulties to enjoy the right to safe, peaceful, and decent housing with dignity. They even face numerous forms of social discrimination when renting a dwelling place.
- Overall, the land development and land clearance systems in Taiwan have the following common problems: (a) unclear rationale of public interest and necessity and incompliance with the principle of proportionality, (b) narrow definition of interested parties, (c) lack of public participation, and (d) lack of complete compensation and resettlement measures. Moreover, although the text of related laws does not involve direct discrimination against women, the practice of the laws is highly possible to exert adverse effects on women, which are described as below.
- Property Inheritance and the Extended Problems
  - Although the civil law has been amended in 1930 that both men and women have the equal right of inheritance, real estates have been mostly inherited by men under the traditional concept that men are superior to women.<sup>1</sup>
  - The issue of property inheritance is also related to the right of some special groups, such as sexual minorities. For example, two lesbian partners are both unable to inherit family property and thus may experience severer economic hardship than two gay partners who can inherit the property. Take another example. Under the intermarriage between the indigenous people and the Han people for a long time, the family property have typically been inherited by the male of the Han people. This has caused some indigenous people's matrilineal society to break down.
  - Although the property right is owned by men, because many of them go out to work every day or even do not dwell on the land they inherit, women are

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<sup>1</sup> Land Administration Department, New Taipei City Government, Study of Property Inheritance Preference in Taiwan from the Perspective of Gender Difference in Inheritance Rights

commonly the actual residents on the land. Therefore, when a land development project is implemented, women are impacted more considerably than men and thus tend to play an active role in the resistances and protests against the development. However, these women, who do not have the property right, are not legally regarded as interested parties. As the definition of interested parties by the government and the courts in housing demolition cases is narrow, that is, only those possessing property right are acknowledged as interested parties, the actual situation of unequal inheritance indirectly negatively influences women's rights to opinion expression and legal remedy.<sup>2</sup>

- According to the current regulations, the compensation for demolition is only calculated based on the value of the property right. Despite women being the actual residents in the property, their losses are not included in the calculation and thus are not compensated.
- **Povertization of Women**
  - More than half of the applicants for residential subsidies (including rental subsidy and mortgage interest subsidy) are women. This reflects that many women in Taiwan do not have stable assets and therefore need subsidies from the government. They are willing to receive the subsidy also because they have the responsibility to take care of the families.
  - Because of their maternal role, women compared to men are more likely to live in poverty while being responsible for raising children. The proportion of older women suffering from poverty is also high because of their long life expectancy.
  - The value and area of real estates owned by men have for a long time larger than that owned by women.
- **Freedom of Residence, Dignity, and Privacy for Women**
  - The Taiwanese traditionally believe that married women have to move to their husband's residence and live with the husband's family, despite the amendment of the law. If women are unmarried, they typically stay in their original family to take care of the family members and therefore usually do not have independent personal space and property. Under the concept that men are superior to women, these unmarried women who stay in their original family serving as caregivers have to put considerable effort to be accepted and recognized by the older adults they take care of and other family members.

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<sup>2</sup> For example, in the litigation documents of the Dapu Self-Help Group, the 33 litigants who filed appeal only involved 7 women, among whom 5 were wives and 2 were daughters. Both appeal and litigation only focus on landowners, which seems to be gender neutral but imposes greater impact on women because the landowners are mostly men in reality.

- The workplaces of female migrant workers, such as the employers' residence and hospitals, do not provide them a private personal space. Without such privacy protection, numerous female migrant workers are threatened by sexual violence. However, the Taiwanese government has failed to provide enough and adequate shelters for female migrant workers who are victims of sexual violence.
  
- Impact of Forced Eviction on Family and Neighborhood
  - Women typically play the role of caretakers in the family. Therefore, when the forced eviction or the incurred litigation impacts the family or even causes the family to break down, women are frequently the ones suffering from higher stress.<sup>3</sup>
  
  - When encountering forced eviction, women may have no choice but to follow the family's opinions because of their disadvantaged status in the family or the lack of financial ability.
  
  - Close neighbors are better than distant relatives. The care provided by neighbors may be more direct and important than that provided by other relatives. However, the relationship of care formed because of the geographic locations is strong but actually fragile. The relations between neighbors may be destroyed as soon as some neighbors move out of the community. Compared with men, who are more likely to know people outside of the community due to work, women relatively lack such opportunity to build networks outside of the neighborhood.
  
- Impact of Forced Eviction on Female Older Adults
  - According to our interview results, older women who stayed at home every day were more dependent on the home space, compared with older men who have their own interpersonal networks. Older women also relied on the care provided by the family. Therefore, if the family broke down due to forced eviction, older women were more likely to face the situation of nowhere to go.
  
  - A case in our study also revealed that compared with other residents, illiterate older women who lived independently in an informal settlement were more likely to be treated in a way that was not only passive but also violated their human rights by the government or development agencies.

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<sup>3</sup> Female victims of forced eviction tended to shed tears during the interview. This may be because of the gender norm that causes women not ashamed of crying in front of other people, but may also because the emotional stress these women had suffered from was particularly tremendous.

- Forced Eviction Accompanied by Violence
  - Forced eviction is a long process and is frequently accompanied by various types of violence and psychological threats due to the enormous interest of land development, such as threats by gangsters, arson, houses being vandalized, and even the violence imposed by the police in the name of the exercise of public authority. Violence also frequently occurs in the family. We have collected several cases in which women experienced physical violence committed by family members because of their different opinions.
  - If participants of the resistance against forced eviction have to sleep on the streets, or they become homeless after being actually evicted, women may be concerned about personal safety; they are afraid of sleeping on the streets.
  
- Gender-Related Issues During Organized Resistance
  - In response to the forced eviction, community members may start to mobilize and organize self-help groups. Our interview results show that compared with men, women tended to be assigned to general affairs such as paper work, leaflet production, and communication.
  - Because the family property right is typically owned by men, they tend to have stronger power to speak when discussing the allocation and retention of lands and houses or the resistance strategies. As long as men possess the power to lead the self-help groups, the threshold for women to be allowed to speak is relatively high. For example, when a woman was expressing her opinion, her speak might be interrupted. By comparison, in a self-help group that is dominated by women, men have lower threshold to obtain the power to speak.
  - In self-help groups, female migrant workers or foreign spouses did not have the power to speak; they were not considered as members of the collectivity in the resistance. Additionally, men who married women from Southeast Asia or China are mostly economically disadvantageous; thus, they were also unable to acquire the power to speak.
  - In addition to the work in self-help groups, women still had to perform daily household chores. When they were unable to simultaneously play the housekeeping role and the role in self-help group, they had no choice but to give up one. However, this give-up decision may not be understood or accepted by male members in the family or the self-help group.
  - In a forced eviction incident, the male roles faced by forced eviction victims tended to perceive women as easy to handle or to be fooled. These men, in our interviews, include government officials, staff of construction firms, neighbors, lawyers, and organizers. In particular, those who possessed power, authority, and profession, such as government officials, staff of construction firms, lawyers, and judicial officers, were typically men. This rendered women facing more difficulties during the resistance or the process of

seeking right relief. In fact, apart from these opponents, partners in a forced eviction incident may also have the tendency to discriminate against women.

- The society generally holds different expectations toward men and women. For example, women are assumed to make compromise instead of taking part in the resistance, but such expectation is typically not imposed on men.
- Homeless people
  - The policy on homeless people in Taiwan has long lacked a gender perspective. Generally, homeless women are more vulnerable than homeless men.
  - According to the 2016 Living Status Survey on Homeless People in Taipei, the primary reasons for women to be homeless involve the followings: “the primary caretaker passed away and no other relatives can take care of her;” “suffering from domestic violence;” “being disqualified from receiving social welfare benefits and thus losing the main source of income.” These three reasons accounted for a higher proportion among homeless women than among the overall population of homeless people. In addition, the percentage of homeless women encountering sexual harassment and physical violence was higher than that of the homeless people as a whole.
  - While facing immense hardship and numerous risks, homeless women in Taiwan still lack corresponding resources and services. In the 2016 Living Status Survey on Homeless People in Taipei, homeless women who had stayed in placement institutions were asked their willingness to stay in the institutions again. The survey found that the respondents who were unwilling to stay in placement institutions were significantly more than those who were willing to do so. The reasons included “disfavor of group living” and “lack of private personal space,” which accounted for slightly higher proportion among homeless women than among the entire population of homeless people. This result reveals that homeless women were unsatisfied with the existing placement institutions available in Taiwan and had a strong need of private space. However, there is currently only one placement institution exclusive for homeless women in Taiwan, which is located in Taichung City.
  - According to the underestimated statistics issued by the Taiwanese government, the number of homeless people that had been listed by the government was 2,556 in 2016, among whom 286 were female. However, the number of homeless women has long been underestimated because they tend to seek a temporary shelter (e.g., a nearby Internet café) to stay overnight in the evening, a time when the governmental staff typically surveyed the number of homeless people. In fact, the total number of homeless people as a whole has also long been underestimated. Based on such underestimated statistics, the central government tends to adopt a passive attitude toward the policy implementation for this group.

- Concluding recommendations
  - Forced eviction is a serious infringement against human rights. However, data related to forced eviction has long been scarce in Taiwan; thus, the overall situation of forced eviction in Taiwan cannot be clearly understood. In the Concluding Observations and Recommendations adopted by the International Review Committee regarding the second reports on the implementation of the international human rights covenants in 2017, para. 37 states that Taiwan's housing and land regime should be reoriented, and the first step is to establish a more accurate database. NGOs recommend that the Taiwanese government should establish a database according to the indicators of the right to adequate housing released by the Office of the United Nations High Commissioner for Human Rights, and should categorize the attribute data for the prevention of various types of discrimination, including gender-related discrimination.
  - Although the legislation and policy related to development, demolition, and eviction do not involve direct discrimination against women, in the actual practice, they tend to indirectly cause women to be situated in a disadvantaged position because of the traditional values and the existing gender inequality. Para. 39 of the 2017 Concluding Observations and Recommendations suggests a moratorium being called on all forms of displacement until a National Displacement, Resettlement and Rehabilitation Act is established. According to para. 10 of the General Comment No. 7 published by the UN Committee on Economic, Social and Cultural Rights, when evictions occur, the government should adopt appropriate measures to ensure that no form of discrimination is involved.
  - The human rights of people with no property right in Taiwan are continuously violated by the current land development and land clearance policies and regulations, the thought of prioritizing property right over housing right, and the government's negligence and denial of forced evictions, and women constitute one of the groups who are easily deprived of the property right.  
NGOs recommend that the Taiwanese government should:
    - Establish a database related to informal settlements as soon as possible to identify the vulnerable groups.
    - Collaborate with the NGOs that work on housing rights and enact policies and regulations that respect and protect the housing rights of residents without land property rights or living in informal settlements.
  - The government should formulate welfare and human right acts for homeless people according to para. 43 of the 2017 Concluding Observations and Recommendations, allocating sufficient budget and resources to protect the human rights of homeless people. The existing policies and services on homelessness are mostly designed under the assumption that the homeless people are men; additionally, most of the placement institutions only provide services for homeless men. Thus, the government should develop diverse

measures of placements and services to respond to the various needs of homeless people. Short-term shelters that meet individual or household's need for living in dignity and privacy should be provided, and the provided resources and services should cater to the needs of different genders. In addition, the government should also provide sufficient, affordable, and accessible public housing to prevent people from being homeless because of the unaffordable rent.