

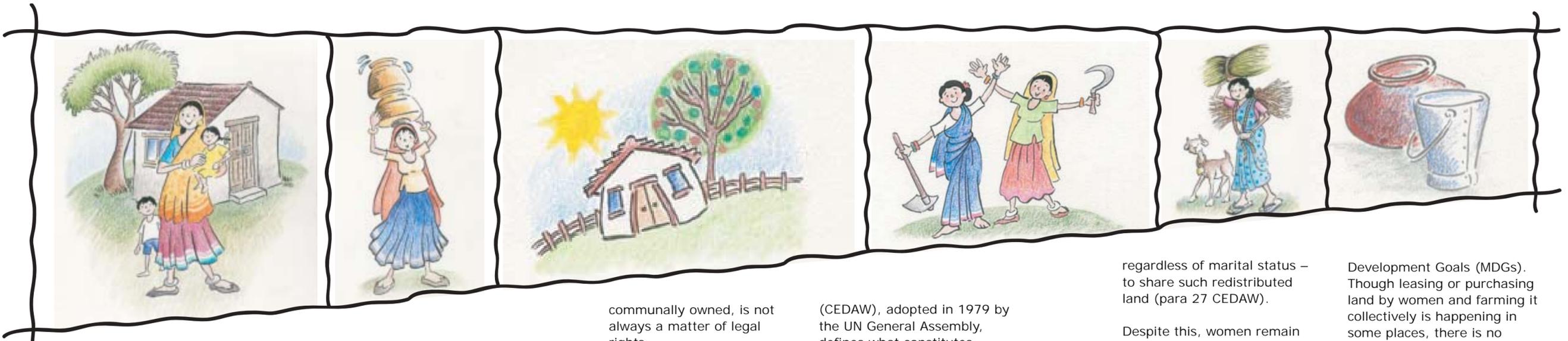
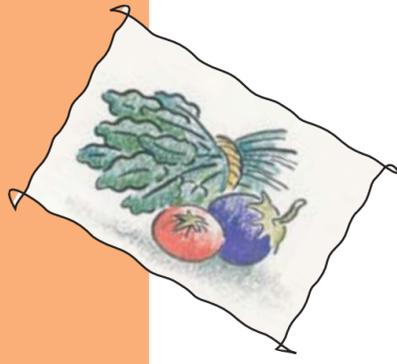
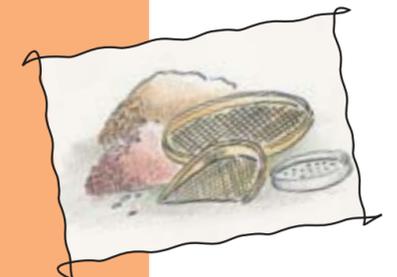


Women and Land Rights

Context

Across the world, especially in South Asia, women play significant roles as producers and providers of food and nutritional security, as homemakers and as managers of natural resources. While their contribution to the sustenance and survival of these economies is immense, it often goes unnoticed. In fact, the prevalent social system discriminates and marginalises women in more ways than one.

Women's vulnerabilities are intricately linked to the lack of security of tenure. Incidents of domestic violence, trafficking, female foeticide and dowry deaths are all rooted in women's powerlessness, and their dependence on the male members of the family. Traditional modes of dispossession are compounded with pressures in the light of globalisation and privatisation, especially the demands of trade agreements. As the poor face increasing displacement and forced eviction due to development and economic needs of our societies, it is the women who suffer most.



In this context, one of the most important factors that can empower and secure women's lives is their right over land. This right is a source of life, livelihood and social security. It empowers women to make informed choices and take independent decisions, thus reducing their social, economic and political vulnerability. The empowerment process needs

further support of institutional mechanisms. From a women's perspective, the right over land enables them to claim their share of the resource that sustains their communities, establish ownership over it and thereby have control over the fruits of their labour on land and, in their homes.

Laws are important but not enough to get women right to land

In societies where patriarchal dictates determine the status of a woman, land policies and laws do not ensure fulfillment of this right. Many legal systems, as in India, are reluctant to interfere with personal laws. This maintains the inequality between a man's and a woman's right to property.

➤ Many South Asian and South African rural women cannot hold legal title to land though they may have the right to till it and build a home on it. Agricultural work is seen as an extension of household

duty and not as an economic activity.

- All over the world, percentage of women having title in their own name is low; land use certificates are seldom issued in their names. In Brazil, agrarian reform gave land titles to both men and women yet, the latter hold only 12.6% of land titles. 86% of land reform beneficiaries are men.
- Even where women do own the land they have no control over it. Access to land, whether privately or

communally owned, is not always a matter of legal rights.

- In many societies, traditions and laws are an obstacle to women's ownership of land, either through purchase or inheritance.
- In Congo, married women cannot sign certain contracts without their husband's consent (Article 448 family code).
- Women lose out on land reform processes, due to lack of understanding on their own needs and requirements.
- Not holding a title to land becomes an obstacle when women apply for credit. Legally, women cannot use jointly owned property in a civil transaction or as collateral for a bank loan.
- Equal rights, to women immaterial of their marital status, in land distribution or during land reform are not the focus in many countries.

The Convention on the Elimination of All Forms of Discrimination against Women

(CEDAW), adopted in 1979 by the UN General Assembly, defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination. CEDAW deals with status of rural women (Article 14) and right to property, inheritance and access to land (Article 15 and 16). It also recommends that countries undergoing agrarian reform or redistribution of land, should carefully observe the rights of women –



regardless of marital status – to share such redistributed land (para 27 CEDAW).

Despite this, women remain either absent or poorly represented in economic decision-making. Discrimination and violence continues against women, as they remain alienated from resources even today.

Women's right over land is a means to fulfill the commitments of Beijing Plan For Action (BPFA para 58m and 166c) and Millenium

Development Goals (MDGs). Though leasing or purchasing land by women and farming it collectively is happening in some places, there is no option for poor women who cannot buy land.

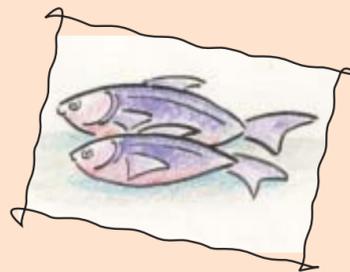
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The UN CHR Resolution 2003/22 (women's equal ownership of, access to and control over land and equal rights to own property and to adequate housing) urges governments to promote policy and programmes towards strengthening women's housing and land rights.

Need to set up institutional mechanisms

In order to implement equal opportunities and gender mainstreaming, institutional mechanisms need to be set up to ensure empowerment through livelihood and security against violence. The need for women's own space for meetings and economic activity, at village level, will promote the discourse on how violence against women can be reduced.

The government initiatives and positive gains made since 1995



- A quota system in favour of women has been established in some countries to ensure that **credit is accessible** to women. For instance, in Brazil, 30% of funds in the national programme are for strengthening agriculture while Chile has a policy to support productive activities of peasant women.
- In Turkey, legislation has introduced **equal share of property to widows and daughters** along with sons.
- In Nepal, the law discriminating against daughters' share in parental property in favour of sons is going to be revised.
- In Philippines, Nicaragua and Nigeria, rural women are given priority in rural development programmes.
- In India, women self-help groups have **invested in land and sought help of the government** to provide financial assistance under rural development schemes. A bill to provide equal inheritance rights for daughters by amending the Hindu Succession Act has been introduced in the parliament.
- In Tunisia the government established commissions and set up rural activity centres for women under its National Programme for rural women in 1998.
- The Agrarian Reform Act in Nicaragua recognises women's right to access land and also grants financial aid as they control their own productive resources. **Legislation permitting title ownership by women** is being prepared.



The government can do more to ensure women's access to land and other resources

Policy

- Alter market driven land reforms that result in the loss of land by small farmers, increase in poverty and trafficking of women and children.
- Prohibit forced eviction and displacement.
- Institute a gender sensitive rehabilitation policy to respect human rights commitments during dislocation and resettlement processes.
- Promote organic agriculture giving women control to maintain food sovereignty.
- Set up a firm policy and agree on targets to increase rural women's access to land and property through inter ministerial coordination between Women's, Forest, Revenue, Agriculture, Environment and Rural Development Ministries.

Law

- Undertake land reform measures such as tenancy reforms and imposition of land ceiling with explicit provisions favouring women.
- Implement agrarian reform in recognition of women's role in food and agricultural production.
- Remove gender inequalities in laws.
- Codify and redefine customary laws on issues of land and inheritance based on the principle of gender equity.
- Ensure gender equality in tenure and inheritance laws.
- Introduce legal provisions for unmarried, separated, divorced, deserted women and widows, in laws related to property/land, where they do not exist.



Programmes

- Provide different schemes for purchase of land and housing through loans under poverty alleviation programmes to single women and women's self help groups.
- Provide systems offering credit and training for women's groups to invest in or cultivate land. These supports may be conditional for non-transferable user rights.
- Reduce women's dependence on male relatives by providing external support structures to deal with intra family conflict in relation to housing and land.
- Lease government land to women's collectives to reduce gender gap in land ownership.

Administrative mechanisms

- Survey agricultural land to prepare maps and records of land rights.
- Maintain sex and age segregated data, for all types of land, to monitor and report on gender gap in land ownership.
- Simplify village land registration practices and village council rulings to reduce gender bias.



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Illustration: Bindia Thapar



UNDERSTANDING RURAL WOMEN'S RIGHT TO LAND, FOOD and LIVELIHOOD



Women's right to land
is an agenda for action in the promotion of
women's human rights