

2. Eliminate violence against women by strengthening women's property rights.

- 2.1 Reforming laws and policies to provide adequate redress for violence against women committed in relation to violations of women's right to land and adequate housing.
- 2.2 Ensuring that women resource rights programs are introduced in every village of a food deficit country that gives cultivable lands under ownership by women for economic activity as well providing a venue for a women's centre in the village to protect women from domestic and public violence.

- 2.3 Ensuring that all mechanisms, policies and programmes give preference to categories of disadvantaged women such as widows, single women, disabled women, women from minority communities, indigenous communities or socially disadvantaged groups.



- 2.4 Increasing woman's participation in gender-sensitive land tenure, land use mapping and land-relation contexts.
- 2.5 Endorsing the Optional Protocol to the International Covenant on Economic Social and Cultural Rights and CEDAW to further strengthen the avenues of redress for violations of women's right to adequate housing.

3. Fulfilling equal access to land and management of rural resources for women by ensuring equal participation of women in local level governance by empowering them through group land grants given by the state.

- 3.1 Ensuring that 30 percent of the funds allocated to rural development are targeted for rural women's land and development projects organized by village level resource

centres. These funds can be used to provide subsidized credit to poor women to collectively acquire cultivable land from the market, via lease or purchase.



- 3.2 Ensuring women's names are registered in land records having a joint right to land.
- 3.3 Ensuring women's name registered as heads of households where they exist.
- 3.4 Ensuring and implementing group rights in arable land and supporting group cultivation for poor rural women
- 3.5 Creating legal provisions, which ensure that, irrespective of marital status, women are equal co-owners and inheritors of Commons, both in terms ownership rights as well as equal partakers in decision making and governance.
- 3.6 Ensuring sustainable use of village commons by providing sufficient land, as support areas for subsistence needs, particularly for women of forest dependent and forest dwelling communities.
- 3.7 Limiting the scale of extractive use of forests and common property resources by reforming laws to maintain primacy of subsistence use and local markets, rather than commodification for global markets. Support local communities to regenerate their natural resource base for long term use.
- 3.8 Ensuring that every country has an adequate rehabilitation policy for displaced communities that meets international human rights standards.
- 3.9 Halting eviction of forest dwelling communities who have ancestral rights to forest areas.
- 3.10 Gathering comprehensive sex disaggregated data in all large surveys on land ownership to monitor changes in women's access and control over time.

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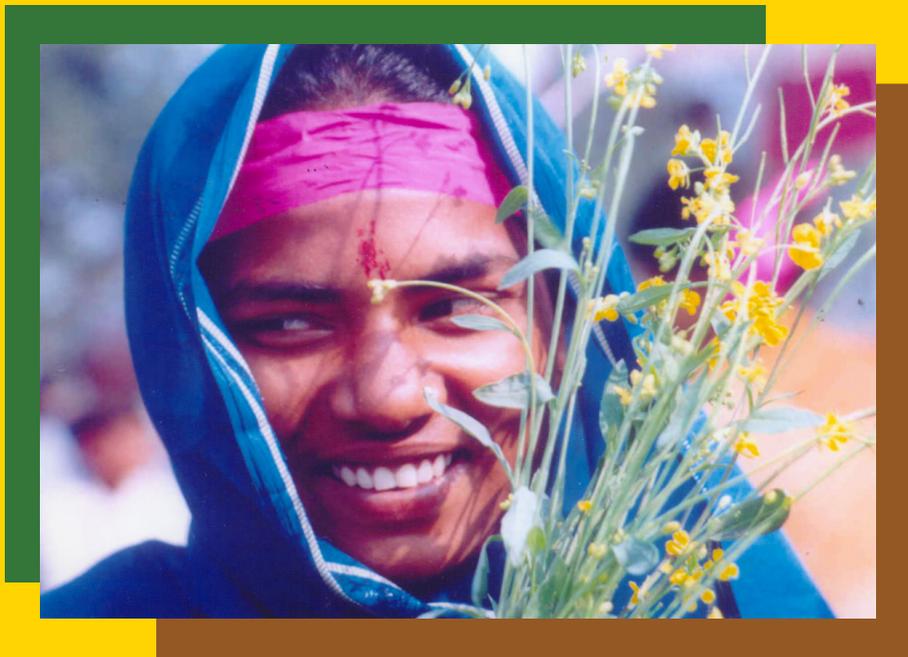
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Women's Equal Rights to Land, Livelihood and Adequate Housing

A submission for the Commission on Status Woman (Beijing+10)



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As States gather in March 2005, for a ten-year review of the Beijing Platform for Action, at the meeting of the Commission on the Status of Women, the rights of women, especially rural and land-poor women, remain critically vulnerable across the world. Although the Platform of Action mentioned the importance of women's equal rights to land and housing, this has not been put into action by governments. Women continue to be the primary producers, but the policies of consolidating land and industrializing agriculture have left women bereft of land resources and control over food production. Indigenous women and those living in forests and mountain areas are losing the rights and concessions on forestland. This has lowered women's status and led to homelessness, increased overall violence against women and trafficking. This vulnerability is further aggravated by the impact of globalization, that has led to greater land scarcity further impacting on women's livelihood rights. Women's groups across Asia call on governments to initiate urgent interventions in the following areas:

1. Equal rights for women to land and adequate housing

Women's equal rights to land and housing are recognized in the Beijing Platform for Action and in the Five Year Review outcomes documents (see Para 58(m) and Para 166(c)). Without equal rights to land and housing, women do not have basic food security nor do they have assets necessary for their development. This then results in the lack of health, food, education, and sufficient employment. Thus the failure to protect women's equal rights to land and housing also undermines the achievement of commitments made within each of the 12 critical areas of the Beijing Platform for Action. There needs to be urgent action taken up by all governments in the present CSW Review with special attention to developing countries.

The right of poor women to own land (i.e. in the form of joint, independent or group ownership) is essential for women to develop and for the governments to eradicate poverty in their commitment to fulfilling the Beijing Platform for Action.

Poverty alleviation is the most urgent agenda of the UN Millennium Goals and without basic land resources in the hand of the small and marginal farmers (women) poverty alleviation in the rural areas cannot be achieved.

2. Secure women's rights to land and adequate housing as one of the ways to address violence against women

The Beijing Platform for Action identified critical strategies for States to implement (D. Paragraphs, 112-130) yet gender-based violence continues particularly with women in relation to land and housing rights. This can include violence faced by widows trying to claim their marital property rights or daughters trying to claim their inheritance rights.

Similarly, women without access to land or housing are extremely vulnerable to domestic violence. Many women in these situations are made homeless and landless, in addition to the physical and mental trauma they and their children face. Where women have land or a house it is found that their risk of domestic violence is significantly reduced. Access to land and housing is thus important for women both as economic and physical security, and the implementation of the Beijing Platform for Action would be a significant step in this direction.

3. Equal participation of women in local level governance, including equal access and management of rural resources (commons and forest) for women.

Where access to privately owned land is not available, that rights and concessions for livelihoods and subsistence-use must be rationally provided for communities on public land such as Reserve Forests and protected areas like Sanctuaries. In such areas the livelihoods and subsistence needs of fuel, fodder, water and plant resources - of communities must be ensured in policies and regulations that delimit or restrict people's access to it.

Tribal women particularly those living within the forest area, as well as women in forest dependent communities should be guaranteed their ancestral ownership and inheritance rights. There has been a high degree of eviction and displacement of women from forest area without proper rehabilitation. Primacy should be accorded to local use and



for local markets of these forest areas and common property resources, over and above the penetration of large and distant markets and the subsequent commoditization of resource flows. Non timber forest produce forms a major source of income for many tribal communities. Women are almost exclusively involved in collection of minor forest products, its storage, processing and marketing. Increased government control of forests and the marketing of minor forest produce is adversely affecting tribal and forest dependent women. Women living in forest villages should be given land rights so that they can access to maternal and child care services and other developmental facilities in their villages.

Initiatives to provide resource rights to women have been successfully implemented in some parts of India, Nepal, Brazil, Tunisia, Chile, and Nicaragua. These cases demonstrate the importance of the government setting up a formal institutional mechanism to help fulfill its commitments made under Articles 14, 15 and 16 of CEDAW, Article 11 of ICESCR and commitments to the Beijing conference, thereby, acknowledging women's resource rights.



The full implementation of these initiatives will contribute towards fulfilling commitments made in the Beijing Platform for Action, the HABITAT Agenda (paragraphs, 26,30 and 61), the IFAD Conference on Hunger and Poverty (1995), the World Summit on Sustainable Development (Paras 6d, 6h, 24b, 38 and 61b); and at the World Food Summit. The UN Special Rapporteur on Adequate Housing in his 2003 report on women and adequate housing called on States to bridge the gap between laws and policies that recognize women's right to adequate housing and the practical implementation of them in reality.

Recommendations

1. Promote equal rights for women to land and adequate housing by :

- 1.1 Developing and implementing a comprehensive policy and action program for enhancing women's access to land and housing, which ensures (independent and joint)land ownership rights for women.

- 1.2 Implementing existing international commitments towards promoting gender equality in inheritance laws by reviewing and enforcing housing and land ownership rights of women.
- 1.3 Promoting the implementation of land reform laws by all governments both in terms of land distribution to landless women and regularization of land for indigenous and other forest dwelling and dependent communities.
- 1.4 Promoting market mechanisms that assist with the land transfer to poorer sections (through subsidized credit for land leasing or purchase).
- 1.5 Promoting joint cultivation or production by women's groups and women's groups through appropriate agricultural and technology inputs.
- 1.6 Eliminating all kinds of semi-slavery or bonded-labor system that still prevail in employing agricultural labor (through allocating land for genuine tillers and enforcing basic fare wage to the labor).
- 1.7 Improving legal redress systems at the district and state level and providing adequate legal aid to woman on their property and land related law suits.
- 1.8 Preparing land-registers at the district level; and computerizing them for easy accessibility to information.
- 1.9 Promoting a "Group Approach". A group approach aims to create group assets and promote group production and management by landless women. This "group approach" would strengthen poor women's ability to retain control over the land and to gain access to productive inputs, as well as eliminate scope for inheritance conflicts, as happens in individually owned land.



- 1.10 Transferring cultivable land to landless women in the form of "group titles" for joint crop cultivation or related farm activity (such as fish production) and this can be enjoyed by poor women resident in the village and working on the land.

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