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Women and ESCR Working Group, ESCR-Net

## MAPPING STUDY ON WOMEN'S RIGHTS RELATED TO LAND, HOUSING AND NATURAL RESOURCES

July 2016

The **International Network for Economic, Social and Cultural Rights (ESCR-Net)** unites over 270 NGOs, grassroots groups and advocates across 70 countries, facilitating strategic exchange, building solidarity, and coordinating collective advocacy to secure social and economic justice through human rights. ESCR-Net members define common strategies and advance joint action foremost through international working groups, including the **Working Group on Women and ESCR** which is made up of about 45 members – NGOs, social movements, and individual advocates – working across regions to advance women's economic, social and cultural rights and substantive equality. Through engagement with UN bodies, capacity building, and advocacy at multiple levels, the Working Group works collectively to ensure women's experiences and analyses are at the center of domestic and international policy-making and legal developments.

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## 1. Introduction

Action to advance the enjoyment of women's economic, social and cultural (ESC) rights related to housing, land and natural resources (HLNR) reinforces the interdependence of economic, political, social, civil and cultural rights and simultaneously highlights the disproportionate impacts suffered by women and the gender-specific ways in which violations often entrench resource allocation and women's unequal status within their families, communities and societies. Member organizations of ESCR-Net and other human rights organizations have increasingly challenged HLNR violations and advocated for new models of development, more equal distribution of HLNR, and justice through diverse strategies, including grassroots campaigns, legal and policy advocacy, and the promotion of alternative models.

In this context, the Women and Economic, Social and Cultural Rights Working Group (WESCR WG) of ESCR-Net undertook a mapping exercise in relation to HLNR beginning in 2015 and culminating in this analytical report. The main objectives of this project were to gain a greater understanding of the challenges preventing the realization of women's rights related to HLNR, as well as the extent to which ESCR-Net members are working on these challenges currently, with the ultimate aim of guiding the WESCR WG's strategy for future collective work in this area. This report sets out the findings of this mapping exercise, setting this analysis within a brief outline of the current context relevant to HLNR.<sup>1</sup>

## 2. Methodology

The mapping exercise consisted of two primary parallel activities, as follows:

- **Member strategic exchange:** The WESCR WG organized two capacity building workshops, one in Mexico City (November 2014)<sup>2</sup> and the second in Nairobi (June 2015).<sup>3</sup> While these workshops focused generally on the advancement of women's ESCR using the Optional Protocols to, respectively, the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), and related jurisprudence and advocacy tactics, they each included sessions or discussions in relation to HLNR. Subsequently, the WESCR WG organized a more extensive strategy meeting in Montevideo focused on HLNR in August 2015.<sup>4</sup> Over the course of these discussions, human rights leaders engaging with HLNR issues, particularly from a women's rights perspective, came together to: (1) articulate common and systemic challenges to the realization of women's human rights related to HLNR and generate an exchange of experiences among advocates from various regions; (2) assess existing human rights mechanisms and evolving regional and international standards as frameworks for addressing these issues; and (3) develop components of a collective strategic agenda to advance human rights related to HLNR, grounded in a gender analysis.
- **Survey on housing, land and property:** Over the course of about a year (primarily in 2015), 57 participants completed a survey [see **Annex A**] initiated by the WESCR WG, the majority of these being ESCR-Net organizational members from across Working Groups [see **Annex B**]. The survey contained both qualitative and quantitative questions. The survey was designed to provide an overall snapshot of key issues in relation to women's rights related to housing, land and property (HLP), as informed by the experience and work of respondents, and to determine the scope and extent of the work conducted by ESCR-Net members in relation to these issues. To complement these findings, the survey also included a number of detailed qualitative questions for the purpose

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<sup>1</sup> ESCR-Net is grateful for the support of Michael Clark in the analysis of survey material and drafting of this report.

<sup>2</sup> For more on the workshop in Mexico City, Mexico, see: <https://www.escr-net.org/news/2014/meeting-latin-american-members-women-and-escr-working-group>.

<sup>3</sup> For more on the workshop in Nairobi, Kenya, see: <https://www.escr-net.org/news/2015/workshop-africa-advance-womens-escr>.

<sup>4</sup> For more on the workshop in Montevideo, Uruguay, see: <https://www.escr-net.org/news/2015/international-meeting-uruguay-advance-womens-escr-related-land-and-resources>.

of better understanding the complexities connected with the realization of relevant rights, the specific activities of members, and the possible collective work respondents considered useful to address existing challenges and advance work in this area.

### **Note on terminology**

It is important to note that initial discussions and the survey focused on the themes of ‘housing, land and property’, in recognition of the intersections of rural and urban issues that members had foregrounded in earlier work and advocacy on these issues. These early discussions also continued to foreground the multiple individual and collective forms of property, as well as understandings of land, that were important to different members and communities represented in the network. During the international strategy meeting in Uruguay, this terminology further evolved as members recognized that a more appropriate description of participants’ work was ‘housing, land and natural resources’. For instance, for fisherfolk, pastoralists, and forest dwellers, connection and access to bodies of water, forests and common grazing lands are essential to their livelihoods and, more broadly, their lives. For many communities, self-determination and a range of human rights are threatened by the extractive sector, as community control over natural resources is sacrificed in the name of development and pursuit of profit. Accordingly, WESCR WG’s ongoing collective work in these areas will be referenced in this broader manner.

## **3. Context and key developments in relation to HLNR**

### **3.1 International legal and policy framework**

#### **Overview**

International human rights instruments provide a clear foundation for women’s rights related to HLNR.<sup>5</sup> Various human rights bodies and mechanisms have incrementally and progressively developed a shared understanding of these rights by interpreting their substantive content and clarifying State obligations, through general commentary, review of States’ treaty compliance, and jurisprudence.

- The human right to **housing**, in particular, is widely recognized in international human rights instruments, both as a component of the right to an adequate standard of living and as a free-standing right.<sup>6</sup>
- While no explicit human right to **land** has been recognized in the international legal framework,<sup>7</sup> international and regional legal instruments recognize a bundle of human rights closely associated with land and natural resources,<sup>8</sup> and have placed various obligations on States in relation to access to, use of and control over land.<sup>9</sup> In addition, there are continuing calls by some parts of civil

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<sup>5</sup> UN Office of the High Commissioner on Human Rights (OHCHR) & UN Women *Realizing Women’s Rights to Land and Other Productive Resources* (2013), UN Doc HR/PUB/13/04, p. 5.

<sup>6</sup> See, for example, UN OHCHR *Women and the Right to Adequate Housing* (2012), UN Doc HR/PUB/11/02, pp. 10-23; A Kuchs, Z Sedlova & L Pierhurovica “The Right to Housing: International European and National Perspectives” (2008) 64/65 *Journal Cuadernos Constitucionales de la Cátedra Fadrique Furió Cerrial*, pp. 103-104; and E Wickeri & A Kalhan *Land Rights Issues in International Human Rights Law* (2010) Institute for Human Rights and Business Occasional Paper, pp. 4-8.

<sup>7</sup> Wickeri & Kalhan *Land Rights Issues*, p. 3.

<sup>8</sup> UN Office of the High Commissioner on Human Rights (OHCHR) *Land and Human Rights: Standards and Applications* (2015), UN Doc HR/PUB/15/5/Add.1.

<sup>9</sup> See OHCHR & UN Women *Realizing Women’s Rights to Land and Other Productive Resources*, pp. 5-8; Wickeri & Kalhan *Land Rights Issues*, pp. 3-4. For overviews of the international framework regarding land and human rights, see also: OHCHR *Land and Human Rights: Standards and Applications* (2015), UN Doc HR/PUB/15/5/Add.1; OHCHR *Land*

society for the explicit recognition of such a right.<sup>10</sup> The WESCR WG's 2016 briefing paper on women and land is useful as an overview of the current framework and key issues.<sup>11</sup>

- No explicit rights to own, occupy, use and control **natural resources** are recognized in the international legal framework. However, international law instruments make reference to rights that are closely linked to natural resources.<sup>12</sup> In addition, a robust international jurisprudence on the rights of indigenous peoples in relation to natural resources has developed in recent years, which include both substantive rights (to own, use, manage and control natural resources) and procedural rights (most significantly, to grant or withhold free, prior and informed consent regarding natural resource development).<sup>13</sup>

In general, the international legal human rights framework requires States to respect (refrain from interfering with the enjoyment of the right), protect (prevent others from interfering with the enjoyment of the right) and fulfil (adopt appropriate measures towards the full realization of the right) HLNR rights and associated rights. Moreover, States are obliged to guarantee relevant rights on a non-discriminatory basis,<sup>14</sup> as well as to utilize maximum available resources and engage in international assistance and co-operation to realize human rights.<sup>15</sup>

### **Key provisions in international human rights treaties (non-exhaustive)**

Set out below are some of the most important/relevant provisions contained in international legal and policy instruments relating to HLNR issues:

- **Universal Declaration of Human Rights (UDHR):**<sup>16</sup>
  - Article 25(1): “[e]veryone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services...”
  - Article 17: “[e]veryone has the right to own property alone as well as in association with others [and] no one shall be arbitrarily deprived of his property”.
  - Article 2: prohibits non-discrimination, including on the basis of sex.
- **International Covenant on Economic, Social and Cultural Rights (ICESCR):**<sup>17</sup>
  - Article 1(2): “All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-

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*and Human Rights: Annotated Compilation of Case Law* (2015) UN Doc HR/PUB/15/5; and ECOSOC *Report of the United Nations High Commissioner for Human Rights on land and human rights* (11 July 2014) UN Doc E/2014/86.

<sup>10</sup> See, generally, Minority Rights Group International (MRG) & University of East London (UEL) *Moving towards a Right to Land: The Committee on Economic, Social and Cultural Rights' Treatment of Land Rights as Human Rights* (2015). See also J Gilbert “Land Rights and Human Rights: The Case for a Specific Right to Land” (May 2013) *Conectas*, available at: <http://www.conectas.org/en/actions/sur-journal/issue/18/1000434-land-rights-as-human-rights-the-case-for-a-specific-right-to-land>.

<sup>11</sup> See ESCR-Net *Women and ESCR Working Group Briefing Paper: The Intersection between Land and Women's Economic, Social and Cultural Rights* (March 2016), available at: [https://www.escr-net.org/sites/default/files/briefing\\_paper\\_land\\_0.pdf](https://www.escr-net.org/sites/default/files/briefing_paper_land_0.pdf).

<sup>12</sup> See, for example, articles 1(2) and 47 of the International Covenant on Civil and Political Rights (ICCPR); and articles 1(2) and 25 of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

<sup>13</sup> See LA Miranda “The Role of International Law in Intrastate Natural Resource Allocation: Sovereignty, Human Rights and Peoples-Based Development” (2012) 45 *Vanderbilt Journal of Transitional Justice*, pp. 810-828.

<sup>14</sup> OHCHR & UN Women *Realizing Women's Rights to Land and Other Productive Resources*, p. 9.

<sup>15</sup> See, for example, Article 2(1) of the ICESCR.

<sup>16</sup> Universal Declaration of Human Rights (1948), available at: <http://www.un.org/en/universal-declaration-human-rights/>.

<sup>17</sup> International Covenant on Economic, Social and Cultural Rights (1966), available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ICESCR.aspx>.

- operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.”
- Article 11(1): “... the right of everyone to an adequate standard of living ... including adequate ... housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.”
  - Articles 2(2) and 3: non-discrimination and equality.
  - Articles 11 (right to food), 12 (right to health) and 15 (right to take part in cultural life).
- **International Covenant on Civil and Political Rights (ICCPR):**<sup>18</sup>
- Article 1(2): “All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.”
  - Article 17: “[n]o one shall be subject to arbitrary or unlawful interference with his privacy, family, home or correspondence”.
  - Article 2(1) and 3: non-discrimination and equality.
- **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW):**<sup>19</sup>
- Articles 1-5: regarding non-discrimination and equality, and the modification of “social and cultural patterns of conduct of men and women”.
  - Article 13(b): non-discrimination in relation to “[t]he right to bank loans, mortgages and other forms of financial credit”.
  - Article 14: regarding the elimination of discrimination against women in rural areas in order to ensure their participation in and benefit from rural development, including the rights to “participate in the elaboration and implementation of development planning at all levels”, “participate in all community activities”, “have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes” and “enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.”
  - Article 15(2): equal rights to conclude contracts and to administer property.
  - Article 16(1)(h): equal rights for spouses “...in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property...”
- A number of other international legal instruments provide different protective measures relating to HLNR of specific groups of persons, including the **Convention on the Rights of the Child**,<sup>20</sup> the **International Convention on the Elimination of All Forms of Racial Discrimination**,<sup>21</sup> the **Convention on the Rights of Persons with Disabilities**<sup>22</sup> and the **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families**.<sup>23</sup>

<sup>18</sup> International Covenant on Civil and Political Rights (1966), available at:

<https://treaties.un.org/doc/Publication/UNTS/Volume%20999/volume-999-I-14668-English.pdf>.

<sup>19</sup> Convention on the Elimination of All Forms of Discrimination Against Women (1979), available at:

<http://www.ohchr.org/Documents/ProfessionalInterest/cedaw.pdf>.

<sup>20</sup> Convention on the Rights of the Child (1989), available at:

<http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>. Some important provisions related to HLNR in this Convention include articles 16(1) and 27(3).

<sup>21</sup> International Convention on the Elimination of All Forms of Racial Discrimination (1965), available at:

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>. Some important provisions related to HLNR in this Convention include articles 3 and 5(e).

<sup>22</sup> Convention on the Rights of Persons with Disabilities (2006), available at:

<http://www.un.org/disabilities/convention/conventionfull.shtml>. Some of the important provisions related to HLNR in this Convention include articles 5(3), 9(1), 19(1), 22(1), 28(1) and 28(2).

<sup>23</sup> International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx>. Some of the important provisions related to HLNR in this Convention include article 43(1).

- Similarly, various women’s rights related to HLNR are found in regional human rights instruments,<sup>24</sup> as well as in national constitutions and legal frameworks.<sup>25</sup>

**Key commentary from UN treaty bodies<sup>26</sup> (non-exhaustive)**

- **CESCR General Comment No. 4:** The UN Committee on Economic, Social and Cultural Rights (CESCR) underscores that the right to adequate housing should not be interpreted narrowly, but “should be seen as the right to live somewhere in security, peace and dignity”.<sup>27</sup> It has also elaborated on the notion of adequacy by recognizing the substantive components that make up the right, including: legal security of tenure; affordability; habitability; availability of services, facilities and infrastructure; accessibility; location; and cultural adequacy.<sup>28</sup> The availability of services, facilities and infrastructure is of particular relevance for access to, use of and control over natural and common resources including safe drinking water, sanitation, energy and refuse removal.<sup>29</sup> CESCR has also emphasized the need for States to pay special attention to the needs of

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<sup>24</sup> At the regional level, the right to adequate housing is recognized in the African Charter on the Rights and Welfare of the Child (1990) and the revised European Social Charter (1996). While the European Convention on Human Rights (1950), the European Social Charter (1961), the American Convention on Human Rights (1969) and the African Charter on Human and Peoples’ Rights (1981) do not explicitly refer to the right to adequate housing, in the jurisprudence its protection has been derived from the enjoyment of other human rights, such as the right to privacy, the right to property and peaceful enjoyment of possessions, and the right to protection of the family. See UN OHCHR & UN Habitat *The Right to Adequate Housing: Fact Sheet No 21 (Rev 1)* (2009), p. 12, available at <http://www.ohchr.org/EN/Issues/Housing/toolkit/Pages/RighttoAdequateHousingToolkit.aspx>.

A number of regional instruments also contain provisions aimed at protecting or enhancing a range of rights linked to land, property, natural resources and development. These include the African Charter on Human and Peoples’ Rights (1981) (specifically articles 14, 21 and 22), the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (2003) (the Maputo Protocol), the African Commission’s Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples’ Rights (2012), the African Union’s Declaration on Land Issues and Challenges in Africa (2009), the Framework and Guidelines on Land Policy in Africa (2009), the African Commission’s Resolution on Human Rights Based Approach to Natural Resource Governance (2012), the Charter of Fundamental Rights of the European Union (2000) (specifically article 17), Protocol No 1 of the Convention for Protection of Human Rights and Fundamental Freedoms (1952), the Recommendation of the Commissioner for Human Rights of the Council of Europe on the Implementation of the Right to Housing (2009), and the Arab Charter on Human Rights (2004) (specifically article 31). See OHCHR & UN Women *Realizing Women’s Rights to Land and Other Productive Resources*, pp. 11-13; and Legal Resources Centre (LRC) *Customary Law and the Protection of Community Rights to Resources* (2013), pp. 20-26.

<sup>25</sup> Approximately 38 per cent of the world’s constitutions contain references to rights to housing or housing rights. See S Leckie “The Justiciability of Housing Rights” in F Coomans & F van Hoof (eds) *The Right to Complain about Economic, Social and Cultural Rights: Proceedings of the Expert Meeting on the Adoption of an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights held from 25-28 January 1995 in Utrecht* (1995), SIM Special 18, p. 6. For a list of these countries, see UN Habitat & UN OHCHR *Housing Rights Legislation: Review of International and National Legal Instruments* (2002), p. 44. A comprehensive review of these provisions is beyond the scope of this mapping report.

<sup>26</sup> The commentary issued by the UN Committee on Economic, Social and Cultural Rights (CESCR) and the UN Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW Committee) are particularly important. The CESCR’s General Comments are available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=11](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=11), while the CEDAW Committee’s General Recommendations are available at: <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>.

<sup>27</sup> CESCR *General Comment No 4: The Right to Adequate Housing (Art. 11(1))* (1991), UN Doc E/1992/23, para 7. See also Wickeri & Kalhan *Land Rights Issues*, p. 5.

<sup>28</sup> CESCR *General Comment No 4*, para 8.

<sup>29</sup> See Kuchs et al (2008) *Journal Cuadernos Constitucionales de la Cátedra Fadrique Furió Cerrial*, p. 104.

disadvantaged and marginalized groups including women, children, the elderly, the physically and mentally disabled and victims of natural disaster.<sup>30</sup>

- **CESCR General Comment No. 7:** This Comment clarifies States' obligations in relation to forced evictions, with CESCR noting that "forced evictions are *prima facie* incompatible with the requirements of the [ICESCR]".<sup>31</sup> In the instances where "eviction[s] [are] considered to be justified ... [they] should be carried out in strict compliance with the relevant provisions of international human rights laws and in accordance with general principles of reasonableness and proportionality".<sup>32</sup> States are required to "refrain from forced evictions and ensure that the law is enforced against its agents or third parties who carry out forced evictions",<sup>33</sup> and to adopt special measures to guarantee that forced evictions do not occur. These measures include consultations and engagements with affected persons, a number of procedural protections for affected persons, and the provision of "effective" remedies and compensation in instances where rights violations take place.<sup>34</sup> CESCR has also highlighted the disproportionate impact of eviction on women when noting that "women in all groups are especially vulnerable given the extent of statutory and other forms of discrimination which often apply in relation to property rights (including homeownership) or rights of access to property or accommodation, and their particular vulnerability to acts of violence and sexual abuse when they are rendered homeless".<sup>35</sup> As a result, the provisions of the Comment should be applied in a gender-sensitive manner.<sup>36</sup>
- **CESCR General Comment No. 16:** Regarding the equal right of men and women to the enjoyment of all economic, social and cultural rights, CESCR notes that "women have the right to own, use and otherwise control housing, land and property on an equal basis with men, and to access necessary resources to do so".<sup>37</sup>
- **CESCR General Comment No. 20:** Regarding non-discrimination in the enjoyment of economic, social and cultural rights, CESCR recognizes the need for a substantive equality approach to ESC rights including rights related to HLNR. CESCR notes that:

...eliminating discrimination in practice requires paying sufficient attention to groups of individuals which suffer historical or persistent prejudice instead of merely comparing the formal treatment of individuals in similar situations. States parties must therefore immediately adopt the necessary measures to prevent, diminish and eliminate the conditions and attitudes which cause or perpetuate substantive or de facto discrimination. For example, ensuring that all individuals have equal access to adequate housing, water and sanitation will help to overcome discrimination against women and girl children and persons living in informal settlements and rural areas.<sup>38</sup>

- **CESCR General Comment No. 12:** Regarding the right to adequate food, CESCR has stated that the concept of availability in relation to the right to food "refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well-functioning distribution, processing and market systems that can move food from the site of production to

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<sup>30</sup> CESCR *General Comment No 4*, para 8. See also Kuchs et al (2008) *Journal Cuadernos Constitucionales de la Cátedra Fadrique Furió Cerial*, p. 104.

<sup>31</sup> CESCR *General Comment No 7: The Right to Adequate Housing (Art. 11(1)) Forced Evictions* (1997), UN Doc E/1998/22, para 1.

<sup>32</sup> CESCR *General Comment No 7*, para 14.

<sup>33</sup> CESCR *General Comment No 7*, p. 3.

<sup>34</sup> CESCR *General Comment No 7*, p. 4.

<sup>35</sup> CESCR *General Comment No 7*, para 11. See also OHCHR & UN Women *Realizing Women's Rights to Land and Other Productive Resources*, p. 7.

<sup>36</sup> OHCHR & UN Women *Realizing Women's Rights to Land and Other Productive Resources*, p. 8.

<sup>37</sup> CESCR *General Comment No 16: The Equal Right of Men and Women to the Enjoyment of All Economic, Social and Cultural Rights (Art. 3 of the Covenant)* (2005), UN Doc E/C.12/2005/4, para 28.

<sup>38</sup> CESCR *General Comment No 20: Non-Discrimination in Economic, Social and Cultural Rights (Art. 2, Para. 2 of the Covenant)* (2009), UN Doc E/C.12/GC/20, para 8.

where it is needed in accordance with demand”.<sup>39</sup> It further recognizes the need to develop national strategies in relation to the right to food that would address gender inequalities by stating that such strategies:

should give particular attention to the need to prevent discrimination in access to food or resources for food. This should include: guarantees of full and equal access to economic resources, particularly for women, including the right to inheritance and the ownership of land and other property, credit, natural resources and appropriate technology; ... maintaining registries on rights in land (including forests).<sup>40</sup>

- **CEDAW Committee General Recommendation No. 21:** Regarding equality in marriage and family relations, the Committee on Elimination of Discrimination against Women (CEDAW Committee) has acknowledged that:

[t]here are many countries where the law and practice concerning inheritance and property result in serious discrimination against women. As a result of this uneven treatment, women may receive a smaller share of the husband’s or father’s property at his death than would widowers and sons. In some instances, women are granted limited and controlled rights and receive income only from the deceased’s property. Often inheritance rights for widows do not reflect the principles of equal ownership of property acquired during marriage. Such provisions contravene the Convention and should be abolished.<sup>41</sup>

The Committee goes on to state that women’s right to equal treatment means that women should have the “the right to own, manage, enjoy and dispose of property” on an equal basis to men, noting that these rights are “central to a women’s right to enjoy financial independence, and in many countries will be critical to her ability to earn a livelihood and to provide adequate housing and nutrition for herself and for her family”.<sup>42</sup> The Committee confirmed that CEDAW prohibits discriminatory practices that prevent women from acquiring ownership of land or housing, and urged States to do away with the concept of the head of a household in the administrative practices of rights recognition, and instead recognize joint or co-ownership between spouses.<sup>43</sup>

- **CEDAW Committee General Recommendation No. 29:** Regarding the economic consequences of marriage, family relations and their dissolution, the CEDAW Committee noted that CEDAW requires States to adopt laws relating to the “the making of wills that provide equal rights to women and men as testators, heirs and beneficiaries”<sup>44</sup> and to “provide, upon divorce and/or separation, for equality between the parties in the division of all property accumulated during the marriage”.<sup>45</sup> The Committee further noted that States need to develop ways to recognize and quantify the value of indirect contributions to marriage and family life when determining the equitable distribution of assets, including non-economic contributions often provided by women.<sup>46</sup>
- **CEDAW Committee General Recommendation No. 34:** Regarding the rights of rural women, the CEDAW Committee expressly recognizes “rural women’s rights to land, natural resources, including

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<sup>39</sup> CESCR *General Comment No 12: The Right to Adequate Food (Art. 11 of the Covenant)* (1999), UN Doc E/C.12/1999/5, para 12.

<sup>40</sup> CESCR *General Comment No 12*, para 26.

<sup>41</sup> Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW Committee) *General Recommendation No 21: Equality in Marriage and Family Relations* (1994), UN Doc A/49/38, para 35. See also OHCHR & UN Women *Realizing Women’s Rights to Land and Other Productive Resources*, pp. 6-7.

<sup>42</sup> CEDAW Committee *General Recommendation No 21*, para 26.

<sup>43</sup> CEDAW Committee *General Recommendation No 21*, paras 38-39. See also OHCHR & UN Women *Realizing Women’s Rights to Land and Other Productive Resources*, p. 7.

<sup>44</sup> CEDAW Committee *General Recommendation No 29*, para 52.

<sup>45</sup> CEDAW Committee *General Recommendation No 29*, para 46.

<sup>46</sup> CEDAW Committee *General Recommendation No 29*, para 46.

water, seeds, forestry, as well as fisheries, as a fundamental human right”.<sup>47</sup> States must ensure that a variety of “disadvantaged and marginalized groups of rural women” are “protected from intersecting forms of discrimination”, including indigenous women, peasant women and women who do not have access to land.<sup>48</sup> Of fundamental importance, however, is that CEDAW not only protects women’s right to access, use and manage land and natural resources, but also gives recognition to rural women’s rights to participate in decision-making processes related to land and natural resources.<sup>49</sup> In this regard, the Committee calls on States to “[e]stablish quotas and targets for rural women’s representation in decision-making positions, specifically in Parliaments and governance bodies at all levels, including in land, forestry, fisheries and water governance bodies, as well as natural resource management.”<sup>50</sup> It also urges States to give effective recognition and protection to rural women’s rights to natural resources in terms of customary laws and practices, including land and natural resources held collectively.<sup>51</sup> Finally, the Committee explicitly recognizes the right to adequate food and nutrition and acknowledges the critical role played by rural women in food production.<sup>52</sup>

### **Additional useful guidance relating to HLNR (non-exhaustive)**

- **UN Declaration on the Rights of Indigenous Peoples (2007):**<sup>53</sup> Land rights have been most fully developed in relation to the rights and lived experiences of indigenous communities.<sup>54</sup> Although the Declaration is non-binding, it provides clear recognition for the land rights of indigenous communities by noting, in article 26, that “indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired”. The Declaration urges States to legally recognize the rights of indigenous communities to their indigenous lands, and to ensure that indigenous people have an effective “right to redress ... for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged”.<sup>55</sup> The Declaration also emphasizes “participatory dialogue and the need for free, prior, and informed consent with respect to decision-making about lands occupied by indigenous people”.<sup>56</sup> Critically, the Declaration also underscored that indigenous women should be protected from discrimination and that particular attention should be paid to their unique rights and needs.<sup>57</sup> See also the recently adopted American Declaration on the Rights of Indigenous Peoples.<sup>58</sup>

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<sup>47</sup> CEDAW Committee *General Recommendation No 34*, para 56. See also FIAN *The Recently Adopted CEDAW General Recommendation on the Rights of Rural Women: How can Civil Society Make Use of It for the Realization of the Right to Food and Nutrition?* (2016), pp. 2-3.

<sup>48</sup> CEDAW Committee *General Recommendation No 34*, para 15. See also FIAN *The Recently Adopted CEDAW General Recommendation on the Rights of Rural Women*, p. 3.

<sup>49</sup> FIAN *The Recently Adopted CEDAW General Recommendation on the Rights of Rural Women*, p. 3.

<sup>50</sup> CEDAW Committee *General Recommendation No 34*, para 54.

<sup>51</sup> CEDAW Committee *General Recommendation No 34*, paras 58 and 62.

<sup>52</sup> CEDAW Committee *General Recommendation No 34*, paras 36 and 65.

<sup>53</sup> UN Declaration on the Rights of Indigenous Peoples (2007), available at: [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf).

<sup>54</sup> Wickeri & Kalhan *Land Rights Issues*, p. 4. See also Miranda (2012) *Vanderbilt Journal of Transitional Justice*, pp. 818-819 and 826-827.

<sup>55</sup> See articles 26 and 28 of the Declaration on the Rights of Indigenous Peoples. See also Wickeri & Kalhan *Land Rights Issues*, p. 5; Miranda (2012) *Vanderbilt Journal of Transitional Justice*, pp. 818-819 and 826-827.

<sup>56</sup> Wickeri & Kalhan *Land Rights Issues*, p. 5. See also Miranda (2012) *Vanderbilt Journal of Transitional Justice*, pp. 818-819 and 826-827.

<sup>57</sup> OHCHR & UN Women *Realizing Women’s Rights to Land and Other Productive Resources*, p. 8. See also Miranda (2012) *Vanderbilt Journal of Transitional Justice*, pp. 818-819 and 826-827.

<sup>58</sup> Adopted by the Organization of American States on 14 June 2016, see [http://www.oas.org/en/media\\_center/press\\_release.asp?sCodigo=E-075/16](http://www.oas.org/en/media_center/press_release.asp?sCodigo=E-075/16). For commentary and criticism of the content and process, see <http://minorityrights.org/2016/06/23/mrg-broadly-welcomes-american-declaration-on->

- **Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (2012):**<sup>59</sup> Adopted by States under the auspices of the UN Food and Agricultural Organisation (FAO), these guidelines reinforce the principle of gender equality and non-discrimination in relation to land and natural resource rights, calling on States to “ensure that women and girls have equal tenure rights and access to land, fisheries and forests independent of their civil and marital status”.<sup>60</sup> The guidelines further note that:

indigenous peoples and other communities with customary tenure systems that exercise self-governance of land, fisheries and forests should promote and provide equitable, secure and sustainable rights to those resources, with special attention to the provision of equitable access for women. Effective participation of all members, men, women and youth, in decisions regarding their tenure systems should be promoted through their local or traditional institutions, including in the case of collective tenure systems.<sup>61</sup>

The guidelines provide extensive directives on how to practically implement effective land and natural resource governance in a gender sensitive manner. See also the preceding **Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security**<sup>62</sup> adopted by the FAO Council in 2004.

- **Basic Principles and Guidelines on Development Based Evictions and Displacements (2007):**<sup>63</sup> This set of guidelines was developed by the Special Rapporteur on adequate housing as a component to the right to an adequate standard of living (Special Rapporteur on Housing) to address the human rights implications of development-based displacements and evictions in both urban and rural contexts. Article 38 is emphatic about the need to explore all feasible alternatives with affected parties to avoid evictions. The guidelines emphasize the need to give adequate notice of any potential or impending eviction to affected persons (article 37), ensure “full and prior informed consent regarding relocation” of affected persons (article 56), and require States to provide a remedy where evictions are not carried out in compliance with international law, including a remedy that “provide[s] or ensure[s] fair and just compensation for any losses of personal, real or other property or goods, including rights or interests in property” (article 60). The guidelines further recognize that forced evictions that are violent or coercive negatively impact on a range of other fundamental human rights including the right to health, physical security and can exacerbate social inequality, social conflict and segregation.
- **Guiding Principles on Internal Displacement (1998)**<sup>64</sup>

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rights-of-indigenous-peoples-but-expresses-concern-on-lack-of-need-for-free-prior-and-informed-consent-on-land-issue/.

<sup>59</sup> UN Food and Agricultural Organization (FAO) *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* (2012), available at: <http://www.fao.org/docrep/016/i2801e/i2801e.pdf>.

<sup>60</sup> UN FAO *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*, p. 5.

<sup>61</sup> UN FAO *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*, p. 14.

<sup>62</sup> UN FAO *Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security* (2004), available at: <http://www.fao.org/3/a-y7937e.pdf>.

<sup>63</sup> Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living *Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, Miloon Kothari* (2007), UN Doc A/HRC/4/18, Annex 1: Basic Principle and guidelines on Development Based Evictions and Displacements. The guidelines are available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G07/106/28/PDF/G0710628.pdf?OpenElement>.

<sup>64</sup> UN Commission on Human Rights *Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1997/39* (1998), UN Doc E/CN.4/1998/53/Add.2, Addendum: Guiding Principles on Internal Displacement. The principles are available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G98/104/93/PDF/G9810493.pdf?OpenElement>.

- **Principles on Housing and Property Restitution for Refugees and Displaced Persons (2005)**<sup>65</sup> (referred to as “the Pinheiro Principles”)

### 3.2 International mechanisms and initiatives

In addition to existing official texts and interpretation by UN treaty bodies, there are a variety of ongoing international mechanisms and initiatives relevant to the development of these rights, as set out below.

The work conducted by multiple **UN Special Procedure mandate holders**<sup>66</sup> addresses the primary challenges facing women’s full enjoyment of human rights related to HLNR. In addition to the Special Rapporteur on housing, other Special Procedures connected to HLNR issues include the Special Rapporteur on the right to food, the Special Rapporteur on violence against women, the Special Rapporteur on the rights of indigenous people, the Special Rapporteur on safe drinking water and sanitation, the Special Rapporteur on internally displaced persons, the Special Rapporteur on poverty and human rights, the Working Group on the issue of human rights and transnational corporations and the Working Group on the issue of discrimination against women.

The **Sustainable Development Goals (SDGs)**,<sup>67</sup> adopted by world leaders in September 2015 to guide policymakers for the next decade and a half, also explicitly support gender equality and the realization of a range of human rights for women and girls. The comprehensive agenda, consisting of 17 goals and 169 targets, contains a variety of commitments in relation to HLNR, in particular SDGs: 2 (end hunger, achieve food security and improved nutrition and promote sustainable agriculture); 5 (achieve gender equality and empower all women and girls); 6 (ensure access to water and sanitation for all); 11 (cities that are inclusive, safe, resilient and sustainable); and 15 (sustainably manage forests, combat desertification and halt and reverse land degradation). Some of the targets relevant to these goals include: in relation to SDG 5 on gender equality, undertaking reforms “to give women equal rights to economic resources as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources”; and in relation to SDG 11 on sustainable cities, to “ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums”.

Various UN human rights bodies working on the right to adequate food and nutrition also work on issues associated with HLNR. Of these, one of the primary bodies is the **Committee on World Food Security (CFS)**,<sup>68</sup> an intergovernmental body serving as a forum for review and follow-up of policies concerning world food security including food production and physical and economic access to food and related resources.<sup>69</sup> Originally established in 1974, the CFS was significantly reformed after the 2009 World Forum on Food Security in Rome to ensure that it was capable of “including a wider group of stakeholders and increasing its ability to promote policies that reduce food insecurity”.<sup>70</sup> The reformed CFS seeks to be a more inclusive international and intergovernmental platform that encourages the active participation and involvement of civil society groups through the **Civil Society Mechanism (CSM)**, an autonomous international forum for civil society organizations working on the eradication of food insecurity and

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<sup>65</sup> UN Sub-Commission on the Promotion and Protection of Human Rights *Principles on Housing and Property Restitution for Refugees and Displaced Persons* (2005), UN Doc E/CN.4/Sub.2/2005/17, available at: <http://www.refworld.org/docid/41640c874.html>.

<sup>66</sup> For more information on the thematic focus areas of the different UN Special Rapporteurs and how their work intersects with the rights to HLNR, see: <http://spinternet.ohchr.org/Layouts/SpecialProceduresInternet/ViewAllCountryMandates.aspx?Type=TM>.

<sup>67</sup> See UN *Transforming Our World: The 2030 Agenda for Sustainable Development* (2015). For more information on the SDGs, see: <http://www.un.org/sustainabledevelopment/>.

<sup>68</sup> For more information on the CFS, see the CFS website at: <http://www.fao.org/cfs/en/>. See also CFS *Committee on World Food Security (CFS) Information Note* (undated), available at: [http://www.fao.org/fileadmin/templates/cfs/Docs0910/InfoNote/CFS\\_General\\_Info\\_Note\\_EN.pdf](http://www.fao.org/fileadmin/templates/cfs/Docs0910/InfoNote/CFS_General_Info_Note_EN.pdf).

<sup>69</sup> See CFS *CFS Information Note*, p. 1.

<sup>70</sup> See CFS *CFS Information Note*, p. 1.

malnutrition. Although the emphasis of the CFS is on the issue of food security and nutrition, its work is inextricably linked to issues of access, use, management and control of land and natural resources.

The **UN Conference on Housing and Sustainable Urban Development (Habitat III)**<sup>71</sup> is set to take place in Quito, Ecuador, on 17 to 20 October 2016, convened by the UN General Assembly to “invigorate the global commitment to sustainable urbanisation” and to develop and ensure implementation of a **New Urban Agenda** outcome document.<sup>72</sup> The run-up to the conference includes a series of consultative discussions on informal settlements, housing, financing for urban development and civic engagement at international, regional and national levels to develop recommendations and position papers to inform the New Urban Agenda. The focus of Habitat III will include the rights to land, housing and development in relation to urban and peri-urban areas.

The work of the **UN Habitat Global Land Tool Network**<sup>73</sup> is another forum focused on HLNR. The network describes itself as an alliance of global, regional and national partners that aim to reduce the negative impact of poverty “through land reform, improved land management and security of tenure particularly through the development and dissemination of pro-poor and gender-sensitive land tools”.<sup>74</sup> The network has sought to develop a deeper understanding of the complex challenges in relation to tenure security and land rights, as well as the intersection of these issues with poverty and inequality.

The proposed **UN Declaration on the Rights of Peasants and Other People Working in Rural Areas**<sup>75</sup> aims to consolidate the claims of peasants from different regions and provide international law recognition to their rights to land, sovereignty over natural resources and development, food security, ecological diversity, water and health. It also seeks to address the right to equality, and specifically gender equality, in relation to land and natural resources.

In addition to the initiatives outlined above, a multitude of civil society networks, organizations and movements [see **Annex C**] seek to address challenges linked to the fulfilment of women’s rights and HLNR, and to develop innovative models and practices.

## 4. Survey findings

### 4.1 Overview of key HLNR issues

As noted above, 57 participants completed the survey, from a range of countries as indicated below. Please note that the findings below reflect the fact that the survey referred to HLP rather than HLNR.

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<sup>71</sup> For more information on Habitat III, see: <https://www.habitat3.org>.

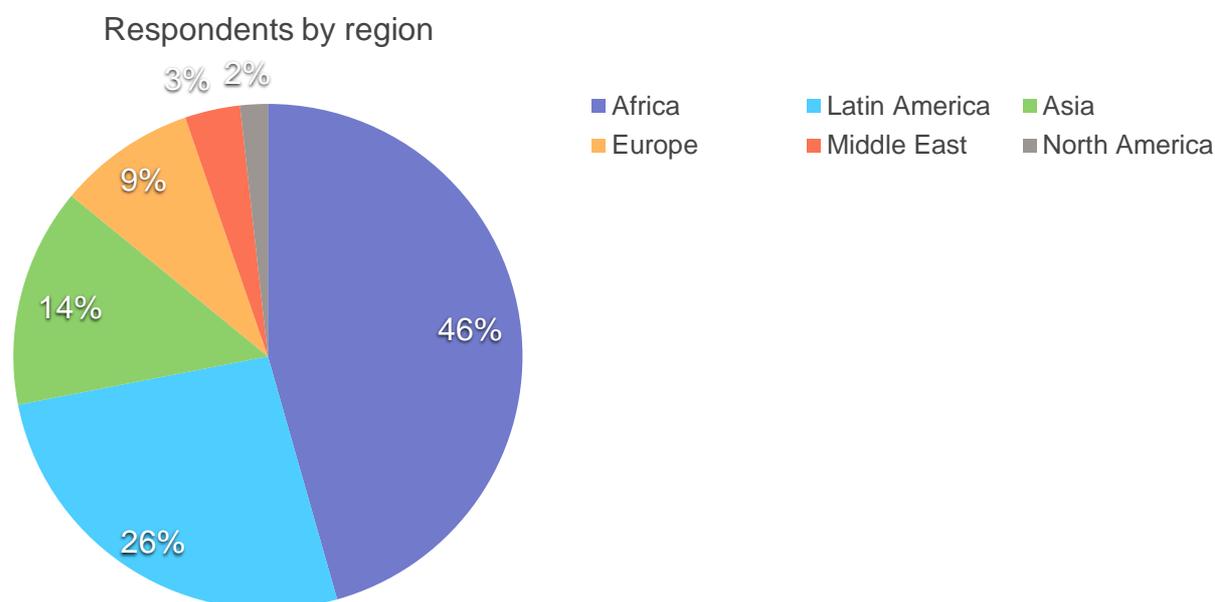
<sup>72</sup> For more information, see <https://www.habitat3.org/the-new-urban-agenda>.

<sup>73</sup> For more information on the UN Habitat Global Land Tool Network, see: <http://www.glttn.net>.

<sup>74</sup> For more information on the Network, see the Network’s website: <http://www.glttn.net>.

<sup>75</sup> On 11 October 2012, the UN Human Rights Council (HRC) adopted Resolution 21/19 which establishes the Open-ended Intergovernmental Working Group (IWG) on a UN Declaration on the Rights of Peasants. The working group is mandated to negotiate, finalize and submit a draft of the UN Declaration on the Rights of Peasants. See HRC *Resolution 21/19: Promotion and Protection of the Human Rights of Peasants and Other People Working in Rural Areas* (11 October 2012), UN Doc A/HRC/RES/21/19, p. 2. For more information on the IWG’s activities, see: <http://www.ohchr.org/EN/HRBodies/HRC/RuralAreas/Pages/WGRuralAreasIndex.aspx>.

**Figure 1: overview of survey respondents by region**



In response to the request to indicate which issues are of particular significance in relation to women in the relevant country/region, and whether the participant organization worked on such issue(s), participants provided the following information:

Issue	Is it an issue in your country or region?	Do you currently work on this issue?
Components of the right to housing: legal security of tenure; availability of services, materials, facilities and infrastructure (including access to water and sanitation, heating, cooling, lighting, and energy); affordability; habitability; accessibility; location; cultural adequacy	Yes: 51 No: 1 No reply: 5	Yes: 30 No: 15 No reply: 12
Slums or informal settlements	Yes: 39 No: 5 No reply: 13	Yes: 20 No: 22 No reply: 15
Forced evictions	Yes: 46 No: 2 No reply: 9	Yes: 33 No: 10 No reply: 14
Legal and societal frameworks concerning relationships, marriage and inheritance, as connected with women's control of land or property	Yes: 45 No: 6 No reply: 6	Yes: 32 No: 18 No reply: 7

Other impacts on access to and control over land (as connected to women’s livelihoods, food security, economic independence and physical security, including of children) – for example, urban development, large-scale infrastructure projects, large-scale land acquisition, tourism, trade agreements	Yes: 51 No: 2 No reply: 4	Yes: 33 No: 15 No reply: 9
Displacement due to conflict/natural disaster and reconstruction	Yes: 42 No: 7 No reply: 8	Yes: 25 No: 20 No reply: 12

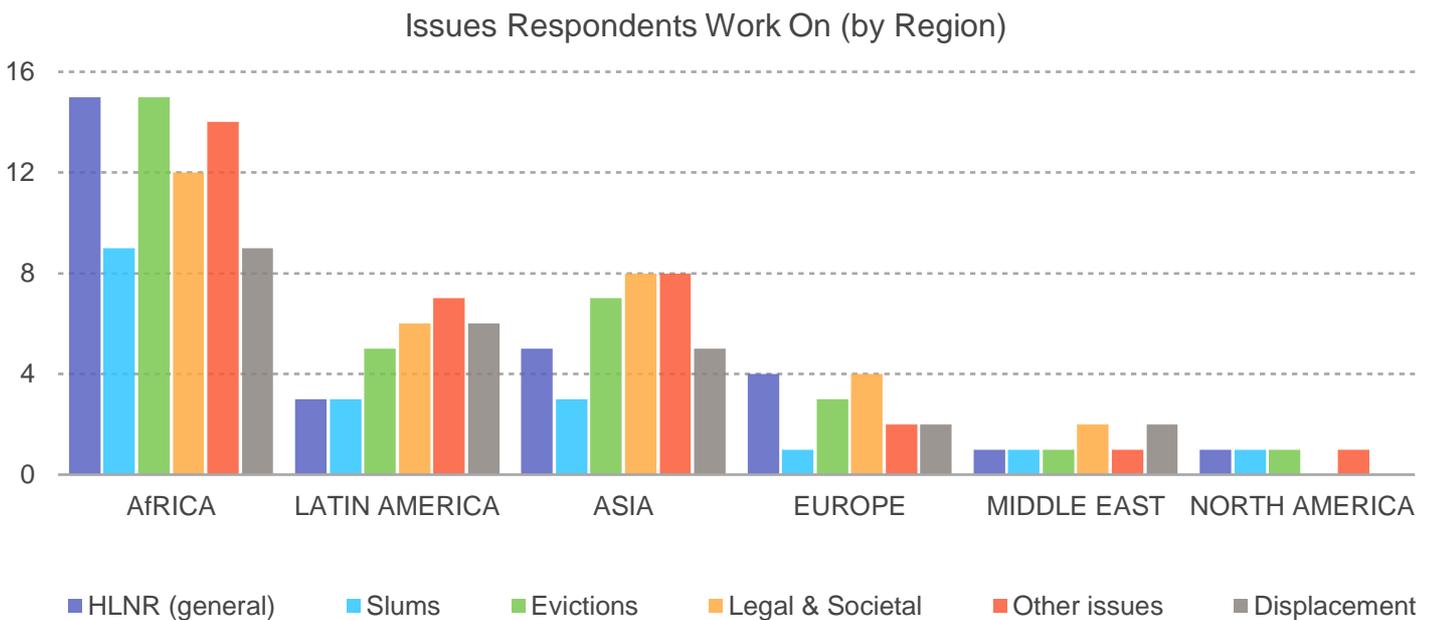
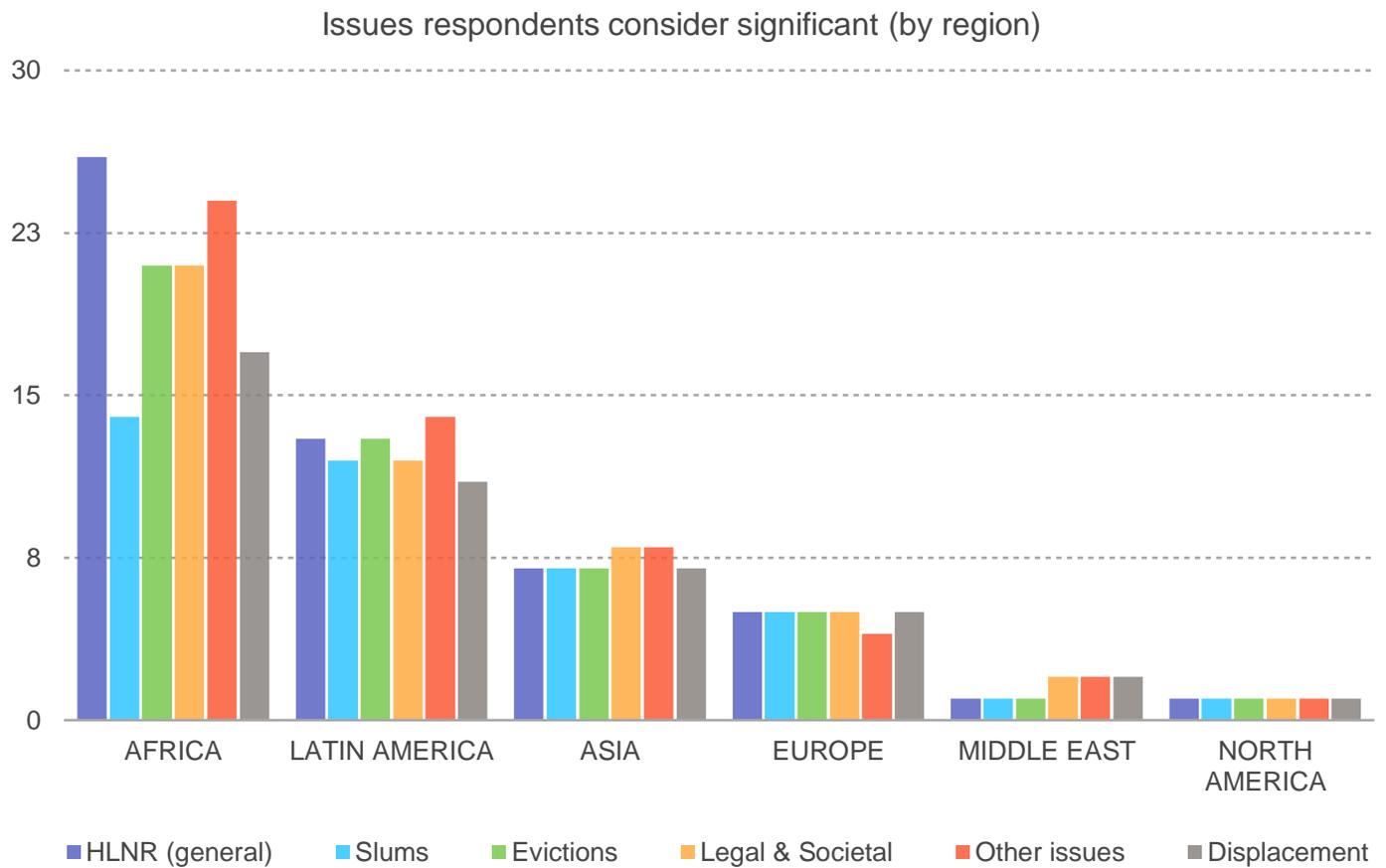
Respondents also listed a host of other issues that they considered impediments to the full realization of rights related to HLNR. These included (non-exhaustive):

- Displacements and evictions due to extractive industries and agri-business;
- Threats of violence and intimidation levelled against women human rights defenders;
- Threats to the rights to adequate food, nutrition and equitable use of natural resources;
- Issues of intra-family violence and domestic violence, which impacts on women’s security of tenure; and
- Conflict over the use of and control over land and natural resources.

**Figure 2: Comparison of issues respondents consider significant & issues respondents work on currently (total responses)**



**Figure 3: Comparison of issues respondents consider significant & issues respondents work on currently (by region)**



## 4.2 Key obstacles

Participants were then asked, in connection with the issues they had identified, what they consider to be the particular obstacles to the enjoyment of women's HLP rights. In response, participants noted a wide range of legal, structural and social barriers. Although many of these obstacles are dependent on geographical location, the political-legal context and the position and life-stage of women within the community and society at large, there were a number of interrelated themes that emerged, as set out below.

### ***Legislative and policy frameworks***

The most pervasive issue identified by respondents were problems associated with the legislative and policy frameworks related to HLP.<sup>76</sup> Many respondents stated that such frameworks were discriminatory in relation to women,<sup>77</sup> with laws and policies formally differentiating between women and men. This seemed to be most apparent in the qualification criteria utilized by States to determine who should benefit in terms of State-subsidized housing programs. Although not all criteria are blatantly discriminatory, these programs are often structured in a way that primarily benefit men (who are assumed to be the main breadwinners or heads of household) or, in instances where these programs benefit women, in a way that only benefits certain categories of women (including women who have dependents or receive benefits through male relatives).<sup>78</sup> Unmarried, widowed or childless women are therefore often excluded.

In other cases, laws and policies lack gender sensitivity. Thus, although these laws and policies are drafted in gender neutral terminology, they still have discriminatory implications for women in reality.<sup>79</sup> For example, land or housing is routinely registered in the name of the male who is assumed to be the head of the household, rendering many women vulnerable and economically dependent on male spouses or relatives.

A number of respondents also noted that there were critical policy gaps or conflicting/inconsistent legislation that prevent women's full enjoyment of their rights related to HLP.<sup>80</sup> For example, the Centre for Economic, Social and Cultural Rights in Africa (CESCRA) points out that the Ugandan government has consistently failed to pass national legislation to protect women's land and property rights in the context of marriage, divorce and succession.

In cases where progressive legal frameworks do exist, a significant number of respondents noted that there were often failures on the part of States to implement or enforce these legislative or policy initiatives in practice.<sup>81</sup> Some noted an apparent lack of political will to address issues of land, housing and natural

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<sup>76</sup> Abahlali base Mjondolo (South Africa); Arab NGO Network for Development (ANND) (Lebanon); CESCRA (Uganda); Chiadzwa Community Development Trust (Zimbabwe); Collectif Femmes Du Mali (CoFem) (Mali); Consortia Oaxaca (Mexico); Coordinadora Andina De Mujeres (Peru, Ecuador, Bolivia, Colombia); Center for Reproductive Rights (CRR) (Kenya); Equis Justice para Las Mujeres A.C. (Mexico); FLORAISON (Togo); Green Advocates (Liberia); Hakijamii Trust (Kenya); Initiative for Gender Equality and Development in Africa (IGEDA) (Ghana); Inclusive Development International (USA); Initiative for Strategic Litigation in Africa (ISLA) (South Africa); LRC (South Africa).

<sup>77</sup> Abahlali base Mjondolo (South Africa); ANND (Lebanon); Advocats Sans Frontieres (ASF) (Uganda); CESCRA (Uganda); Chiadzwa Community Development Trust (Zimbabwe); CoFem (Mali); Consortia Oaxaca; CRR (Kenya); FLORAISON (Togo); Green Advocates (Liberia); IGEDA (Ghana); Inclusive Development International (USA); Initiative for Strategic Litigation in Africa (ISLA) (South Africa); LRC (South Africa).

<sup>78</sup> Abahlali base Mjondolo (South Africa); ANND (Lebanon); CESCRA (Uganda).

<sup>79</sup> Advocats Sans Frontieres (ASF) (Burundi).

<sup>80</sup> Confederacion Campesina Del Peru (Peru); Chiadzwa Community Development Trust (Zimbabwe); CoFem (Mali); Consortia Oaxaca (Mexico); FIAN (Uganda); FLORAISON (Togo); Green Advocates (Liberia); Hakijamii Trust (Kenya); IGEDA (Ghana). Consortia Oaxaca (Mexico) also mention that some of their laws are in conflict, leading to legal uncertainty.

<sup>81</sup> This was listed by a large number of respondents, including ASF (Belgium); CESCRA (Uganda); Consortia Oaxaca (Mexico); Dhaatri Resource Centre for Women and Children (India); FLORAISON (Togo) (the State is "unwilling, unable or refuse" to implement laws and policies); Green Advocates (Liberia); Hakijamii Trust (Kenya); Just Associates (Honduras); LRC (South Africa); SERI-SA (South Africa).

resource management.<sup>82</sup> In particular, respondents noted that States delay or postpone the implementation of progressive laws and policies, or outright refuse to implement laws and policies where these run contrary to corporate or developmental interests.<sup>83</sup> A related complaint is that State regulatory bodies are frequently under-resourced, over-extended and, consequently, “ill-equipped” to ensure the State’s compliance with the legislative and policy frameworks.<sup>84</sup> It is evident that there is a serious disjuncture between the legal frameworks of many States and the lived realities of women.

### ***Access to justice***

Another prevalent, and related, impediment to women’s rights related to HLP are challenges associated with access to justice.<sup>85</sup> Many respondents note that women are unable to access justice due to a critical lack of awareness of the legal environment, their rights, and relevant mechanisms to assert these rights or challenge infringements.<sup>86</sup> Very few women seem to have access to the formal courts system in certain countries. Their geographical locations and the relative financial unaffordability of legal representation further prevent many women from accessing justice.<sup>87</sup> Some respondents also stated that the social stigma or social pressure experienced by women seeking justice may be a further inhibitory factor.<sup>88</sup> One respondent, for example, states that the “fear of losing support systems” prevent many women from realizing their rights or challenging infringements to their rights.<sup>89</sup>

### ***The impact of customary law and culture, religion and societal gender constructs***

A large number of respondents stated that customary laws and cultural and religious practices posed significant barriers to women accessing, using and controlling land and natural resources on an equal basis to men.<sup>90</sup> Many respondents referred to customary laws and traditional practices as one of the primary reason that women are unable to access and own land.<sup>91</sup> For example, even when women are able to access land, the size of their plots are frequently smaller than those of men.<sup>92</sup> Even when not directly related to HLP, customary law can impact these rights. For example, a number of discriminatory practices in relation to marriage, divorce and succession were also mentioned, including women’s lack of entitlement

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<sup>82</sup> Hakijamii Trust (Kenya).

<sup>83</sup> ASF (Belgium); SERI-SA (South Africa).

<sup>84</sup> Dhaatri Resource Centre for Women and Children (India).

<sup>85</sup> Abahlali base Mjondolo (South Africa); ASF (Burundi); ASF (Uganda); ASF (Belgium); Confederacion Campesina Del Peru (Peru); Consortia Oaxaca (Mexico); CRR (Kenya); Dhaatri Resource Centre for Women and Children (India); FIAN (Uganda); FLORAISON (Togo); Green Advocates (Liberia); Initiative for Strategic Litigation in Africa (ISLA) (South Africa); LRC (South Africa).

<sup>86</sup> ANND (Lebanon); ASF (Burundi); ASF (Uganda); ASF (Belgium); Confederacion Campesina Del Peru (Peru); Chiadzwa Community Development Trust (Zimbabwe); Consortia Oaxaca (Mexico); CRR (Kenya); Dhaatri Resource Centre for Women and Children (India); FLORAISON (Togo); FIAN (Uganda); Green Advocates (Liberia); Initiative for Strategic Litigation in Africa (ISLA) (South Africa); LRC (South Africa).

<sup>87</sup> ASF (Burundi); ASF (Uganda); ASF (Belgium); Green Advocates (Liberia); LRC (South Africa).

<sup>88</sup> ASF (Burundi); ASF (Belgium); FLORAISON (Togo); Dhaatri Resource Centre for Women and Children (India); FIAN (Uganda).

<sup>89</sup> ASF (Belgium). See also Dhaatri Resource Centre for Women and Children.

<sup>90</sup> Abahlali base Mjondolo (South Africa); ANND (Lebanon); ASF (Burundi); ASF (Uganda); Confederacion Campesina Del Peru (Peru); CESCRA (Uganda); Chiadzwa Community Development Trust (Zimbabwe); CLADEM (Paraguay); CoFem (Mali); CRR (Kenya) (“despite Constitution prohibiting negative cultural practices”); Dhaatri Resource Centre for Women and Children (India); FIAN (Uganda); FIAN (Zambia); FLORAISON (Togo); Green Advocates (Liberia); IGEDA (Ghana); Instituto de Liderazgo Simone de Beauvoir, A.C. (Mexico); Legal Resources Centre (LRC) (South Africa).

<sup>91</sup> Abahlali base Mjondolo (South Africa); ANND (Lebanon); ASF (Uganda); CESCRA (Uganda); Chiadzwa Community Development Trust (Zimbabwe); CLADEM (Paraguay); CoFem (Mali); CRR (Kenya); Dhaatri Resource Centre for Women and Children (India); FIAN (Uganda); FIAN (Zambia); FLORAISON (Togo); Green Advocates (Liberia); IGEDA (Ghana); Instituto de Liderazgo Simone de Beauvoir, A.C. (Mexico); LRC (South Africa).

<sup>92</sup> ANND (Lebanon). See also, for other examples, LRC (South Africa).

to matrimonial property at the dissolution of marriages and at the passing of their spouses.<sup>93</sup> This problem is also experienced by co-habiting partners who are not formally married or whose marriages are not recognized by the State.<sup>94</sup>

In a number of States, the customary laws and practices are deeply intertwined with religion. For example, in Lebanon Islamic laws and practices are a serious impediment to women inheriting land on an equal basis to men.<sup>95</sup>

Respondents noted that these challenges frequently persist despite progressive legal and policy frameworks enacted by States which expressly seek to protect women's rights related to HLP.<sup>96</sup> While this contradiction/paradox may be partially attributed to the lack of clarity or conflict in pluralistic legal systems, respondents indicated that these inequalities with respect to women's access, use and control of land and natural resources are primarily due to a lack of implementation and awareness of women's rights to access, use and control HLP on an equal basis to men.

Another related obstacle to women's full enjoyment of HLP rights is the existence of pervasive social and cultural norms that inform social relations and are reinforced by/grounded in patriarchal attitudes and gender stereotypes.<sup>97</sup> This has resulted in men frequently holding a monopoly on decision-making powers in relation to HLP issues, with the exclusion or marginalization of women in relation to decision-making about the allocation, use and control of land and natural resources.<sup>98</sup> Women are also routinely evicted as a result of tension within the family unit, and experience domestic or sexual violence.<sup>99</sup> This problem is worsened by women's relative economic dependence, for example in instances where marital property is registered in the name of a man,<sup>100</sup> with a number of members noting the need to empower women to ensure that they are less likely to be economically dependent on male relatives in order to access land, housing and natural resources.<sup>101</sup>

***Tenure insecurity and related human rights violations, in the face of macro-economic policies that benefit corporate interests or in conjunction with development models that ignore the primacy of human rights***

A high number of respondents listed various forms of rural and urban tenure insecurity as a significant impediment to women's full enjoyment of their rights related to HLP. An issue that is particularly prevalent

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<sup>93</sup> ANND (Lebanon); ASF (Burundi); ASF (Uganda); ASF (Belgium); Confederacion Campesina Del Peru (Peru); CESCRA (Uganda); Coordinadora Andina De Mujeres (Peru, Ecuador, Bolivia, Colombia); Defend Jobs Philippines (Philippines); Equis Justice para Las Mujeres A.C. (Mexico); Instituto de Liderazgo Simone de Beauvoir, A.C. (Mexico).

<sup>94</sup> CESCRA (Uganda); LRC (South Africa).

<sup>95</sup> ANND (Lebanon). ANND specifically refers to the practice in terms of which men inherit a portion of land equivalent to that inherited by two women.

<sup>96</sup> CESCRA (Uganda); LRC (South Africa); CRR, Kenya "despite Constitution prohibiting negative cultural practices".

<sup>97</sup> Abahlali base Mjondolo (South Africa); ASF (Uganda); Confederacion Campesina Del Peru (Peru); Centre for Natural Resource Governance (Zimbabwe); CRR (Kenya); Defend Jobs Philippines (Philippines); Dhaatri Resource Centre for Women and Children (India); FIAN (Germany); FIAN (Uganda); FLORAISON (Togo); Green Advocates (Liberia); IGEDA (Ghana); Instituto de Liderazgo Simone de Beauvoir, A.C. (Mexico); Initiative for Strategic Litigation in Africa (ISLA) (South Africa); Just Associates (Honduras); Lebanese Women Democratic Gathering (Lebanon); Legal Resources Centre (South Africa).

<sup>98</sup> Chiadzwa Community Development Trust (Zimbabwe); CoFem (Mali); Dhaatri Resource Centre for Women and Children (India).

<sup>99</sup> Abahlali base Mjondolo (South Africa); ASF (Uganda); CRR (Kenya); LRC (South Africa); FLORAISON (Togo); Just Associates (Honduras).

<sup>100</sup> Abahlali base Mjondolo (South Africa); ANND (Lebanon); ASF (Uganda); ASF (Burundi); ASF (Belgium); Chiadzwa Community Development Trust (Zimbabwe); FLORAISON (Togo).

<sup>101</sup> ASF (Burundi); ASF (Uganda); ASF (Belgium); Chiadzwa Community Development Trust (Zimbabwe); CoFem (Mali).

in much of Africa and Asia is the lack of secure tenure for rural and peri-urban communities who live on communal land according to customary or indigenous laws.<sup>102</sup> This is often despite the fact that many States legally recognize communal land tenure in terms of domestic law.<sup>103</sup> In practice, however, these rights are routinely disregarded or infringed upon.<sup>104</sup>

A significant number of respondents indicated that many rural and urban communities without strong tenure security faced forced displacements and large scale evictions. This seems to be primarily as a result of extractive industries (especially in Africa and Asia) and, to a lesser extent, agri-business.<sup>105</sup> Consequently, a number of respondents work with communities affected adversely by mining.<sup>106</sup> In some contexts (and noting the existence of a variety of viable responses<sup>107</sup>), the threat of displacement and eviction seems to be more prevalent in rural areas where communities live in the context of communal tenure systems. Respondents also indicated that they believed that the companies linked to these displacements were committing serious human rights abuses and were failing to protect, much less assist affected communities in socio-economic development.<sup>108</sup>

Some respondents expressed that the legislative and policies frameworks dealing with land, housing and natural resources are skewed in favor of the corporations.<sup>109</sup> For example, one respondent wrote that the policies of the Zimbabwean government “favour corporates over communities”,<sup>110</sup> while another respondent stated that governments in the Asia region develop policies that are “designed to attract foreign investments” at the expense of local communities.<sup>111</sup>

Moreover, the private sector is not solely at fault. In fact, a number of respondents indicated that State-driven evictions in favor of development, environmental conservation or large-scale energy projects have become a common phenomenon.<sup>112</sup> In Africa and Asia particularly, urban and indigenous communities are

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<sup>102</sup> ASF (Burundi); ASF (Uganda); CESCRA (Uganda); Chiadzwa Community Development Trust (Zimbabwe); CLADEM (Paraguay); CoFem (Mali); Coordinadora Andina De Mujeres (Peru, Ecuador, Bolivia, Colombia); FIAN (Uganda); FLORAISON (Togo); Inclusive Development International (USA).

<sup>103</sup> ASF (Uganda); CESCRA (Uganda); CoFem (Mali); LRC (South Africa).

<sup>104</sup> ASF (Uganda); CESCRA (Uganda); CoFem (Mali); Coordinadora Andina De Mujeres (Peru, Ecuador, Bolivia, Colombia); LRC (South Africa); Inclusive Development International (USA).

<sup>105</sup> Amnesty International (Uruguay); APWLD (Thailand); Centre for Natural Resource Governance (Zimbabwe); CLADEM (Paraguay); Coordinadora Andina De Mujeres (Peru, Ecuador, Bolivia, Colombia); Defend Jobs Philippines; FIAN (Germany); FIAN (Colombia); FIAN (Uganda); FIAN (Zambia); FLORAISON (Togo); Inclusive Development International (USA); Instituto de Liderazgo Simone de Beauvoir, A.C. (Mexico); Just Associates (Honduras).

<sup>106</sup> APWLD (Thailand); CESCRA (Uganda); Centre for Natural Resource Governance (Zimbabwe); Chiadzwa Community Development Trust (Zimbabwe); Coordinadora Andina De Mujeres (Peru, Ecuador, Bolivia, Colombia); FLORAISON (Togo); Green Advocates (Liberia); Instituto de Liderazgo Simone de Beauvoir, A.C. (Mexico); LRC (South Africa).

<sup>107</sup> While certain advocacy strategies advocate a strong push for individual property rights or titles, in contrast, and with the argument that such approaches are often not accompanied by wider infrastructure development, changes in economic policy, etc., resulting in rapid impoverishment and owners being forced to/likely to sell, other groups suggest that organized communities defending collective property are best positioned to resist encroachments and violations of their land.

<sup>108</sup> Centre for Natural Resource Governance (Zimbabwe); FLORAISON (Togo); Inclusive Development International (USA).

<sup>109</sup> Asia Pacific Forum on Women, Law and Development (APWLD) (Thailand); Centre for Natural Resource Governance (Zimbabwe); Defend Jobs Philippines (Philippines); Dhaatri Resource Centre for Women and Children (India); FIAN (Germany); FIAN (Uganda); FIAN (Zambia); Just Associates (Honduras).

<sup>110</sup> Centre for Natural Resource Governance (Zimbabwe). See also Defend Jobs Philippines (Philippines); FIAN (Germany); FIAN (Zambia).

<sup>111</sup> APWLD (Thailand). See also Defend Jobs Philippines (Philippines); FIAN (Germany); FIAN (Zambia).

<sup>112</sup> Abahlali base Mjondolo (South Africa); APWLD (Thailand); Centre for Natural Resource Governance (Zimbabwe); Defend Jobs Philippines (Philippines); Dhaatri Resource Centre for Women and Children (India); FIAN (Colombia); SERISA (South Africa). Defend Jobs Philippines (Philippines) in particular refers to large scale slum clearings, evictions and relocations,

regularly displaced without being paid adequate compensation.<sup>113</sup> In instances where the communities are compensated for their property rights, compensation is often paid only to male heads of households.<sup>114</sup> The determination of compensation also frequently excludes the contributions made by women, for example taking care of livestock and cultivating subsistence crops.<sup>115</sup> A related issue is the ongoing formal re-zoning and changing of land uses by governments to encourage development initiatives such as industrialization and corporatization.<sup>116</sup> This has often led to widespread land speculation by the State and private actors, rendering the poor and those with insecure tenure vulnerable to the persistent threat of forcible eviction and relocation.<sup>117</sup>

The displacements and evictions that are described by respondents often occur without the State or private party effecting the eviction providing evictees with alternative accommodation or alternative land to settle on. This renders many women particularly vulnerable. Where displaced communities are relocated, they often only have access to temporary shelters and limited access (if any) to basic services such as water and electricity.<sup>118</sup>

### ***Intersectionality and the importance of rights related to HLP to the realization of other human rights***

Women's access to, use of and control over HLP is a cross-cutting issue that is integrally linked to the realization of other rights. This is evident from the strong intersectional approach many respondents have adopted in their work/advocacy. In terms of this approach, many respondents recognize that women in vulnerable economic and social positions are often disproportionately affected by a lack of access to land, housing and natural resources. For example, poor women in rural and peri-urban areas are often heavily dependent on subsistence farming, which requires that they cultivate a plot of land. Without access to and use of such a plot of land, these women are unable to provide for their families, threatening their rights to adequate food and nutrition and raising issues of food insecurity.<sup>119</sup> Another example is how economically vulnerable women are less likely to access credit as they are unlikely to satisfy the strenuous conditions set by banks for accessing such credit and are unable to lay down the necessary deposits. This often precludes them from purchasing housing or land in their own names.<sup>120</sup>

A host of other rights are also intertwined with the rights of women related to HLP.<sup>121</sup> These include the right to work and access the labor market (in order to access credit and purchase land or property), the right to freedom and security of the person (the victims of domestic and sexual violence may remain in situations where they are exposed to violence due to the fact that they are economically dependent on males who have access to land or housing), and the rights to adequate food and nutrition. Some respondents also noted that land rights are often at the center of serious local and civil conflicts in the African region.<sup>122</sup> Another respondent, Amnesty International (Uruguay), also stated that tenure security

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<sup>113</sup> APWLD (Thailand); Centre for Natural Resource Governance (Zimbabwe); Defend Jobs Philippines (Philippines).

<sup>114</sup> CESCRA (Uganda); Centre for Natural Resource Governance (Zimbabwe).

<sup>115</sup> CESCRA (Uganda).

<sup>116</sup> Dhaatri Resource Centre for Women and Children (India).

<sup>117</sup> CoFem (Mali); Dhaatri Resource Centre for Women and Children (India).

<sup>118</sup> Centre for Natural Resource Governance (Zimbabwe); Chiadzwa Community Development Trust (Zimbabwe); Defend Jobs Philippines (Philippines) (relocation areas are "unlivable"); Dhaatri Resource Centre for Women and Children

<sup>119</sup> See, for example, ASF (Burundi); ASF (Uganda); Chiadzwa Community Development Trust (Zimbabwe); CoFem (Mali); Coordinadora Andina De Mujeres (Peru, Ecuador, Bolivia, Colombia); Defend Jobs Philippines (Philippines); FIAN (Germany).

<sup>120</sup> See, for example, ANND (Lebanon); ASF (Burundi); ASF (Uganda); Chiadzwa Community Development Trust (Zimbabwe); CoFem (Mali).

<sup>121</sup> Amnesty International (Uruguay); ASF (Burundi); ASF (Uganda); Coordinadora Andina De Mujeres (Peru, Ecuador, Bolivia, Colombia); FIAN (Germany); FLORAISON (Togo).

<sup>122</sup> ASF (Uganda); CoFem (Mali). See also APWLD (Thailand); FIAN (Colombia).

plays an “important role” and is closely linked to a range of other rights including physical security, health, education and ensuring greater justiciability and enforcement of ESC rights.<sup>123</sup>

### ***Repression of women human rights defenders challenging violations***

Another key issue mentioned by some respondents is the increasing violence and intimidation experienced by communities<sup>124</sup> and individual women when they claim or assert their land and housing rights.<sup>125</sup> One respondent noted that asserting their rights often “put[s] justice seekers in danger”,<sup>126</sup> while others noted that there was a significant “fear of reprisal” among communities facing the threat of evictions or relocations.<sup>127</sup> In some places, this has led to a “culture of silence”.<sup>128</sup>

## **4.3 Work undertaken by members**

ESCR-Net members are involved in a wide array of work associated with women’s rights related to HLP. While some respondents did not conduct any specific activities in these areas,<sup>129</sup> they noted that their work was tangentially or indirectly linked to these issues in a variety of ways.<sup>130</sup> Although the range of work was broad, it can be understood in the following groupings:

- (1) **Public interest legal services:** A significant number of respondents, the majority of which are based in Africa or Europe, provide public interest legal services or some other form of legal assistance in relation to HLP.<sup>131</sup> In this vein, respondents indicated that they provided general legal assistance,<sup>132</sup> pursued or otherwise initiated strategic litigation,<sup>133</sup> or provided access to legal aid to communities or individuals who required representation.<sup>134</sup> For these respondents, access to public interest legal services is a fundamental mechanism through which women can unlock and fulfil their rights related to HLP and ensure that infringements of their rights are rectified. Some respondents also indicated that they assisted women in navigating the legal system and ensuring that their

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<sup>123</sup> Amnesty International (Uruguay); FLORAISON (Togo).

<sup>124</sup> Abahlali base Mjondolo (South Africa); ASF (Belgium); Association for Women’s Rights in Development (AWID) (Uruguay); Centre for Natural Resource Governance (Zimbabwe).

<sup>125</sup> Abahlali base Mjondolo (South Africa); FIAN (Uganda); ASF (Belgium); Centre for Natural Governance (Zimbabwe); AWID (Uruguay); Dhaatri Resource Centre for Women and Children (India).

<sup>126</sup> ASF (Belgium).

<sup>127</sup> Centre for Natural Resource Governance (Zimbabwe).

<sup>128</sup> Centre for Natural Resource Governance (Zimbabwe).

<sup>129</sup> These organizations include, among others, Amnesty International (Uruguay); ANND (Lebanon); Bulgarian Gender Research Foundation (Bulgaria); Consortia Oaxaca (Mexico); Center for Reproductive Rights (CRR) (Kenya).

<sup>130</sup> For example, Amnesty International (Uruguay) indicated that women’s rights to land, housing and natural resources played an “important role” in the realization of a number of other human rights, including the rights to physical security, health and education. Amnesty also stated that they believed that the realization of the rights to land, housing and natural resources were critical to the greater justiciability and enforceability of economic, social and cultural rights in general. Another respondent, ANND (Lebanon), also noted that their work, which is mainly based on the political empowerment of women in the Middle East, was also integrally linked to women’s rights to land, housing and natural resources.

<sup>131</sup> 10 respondents indicated that they provided public interest legal services or pursued strategic litigation, including ASF (Belgium); ASF (Uganda); Bulgarian Gender Research Foundation (Bulgaria); Femmes Cote d’Ivoire Experience Fciex Rempli (Cote d’Ivoire); SERI-SA (South Africa); FIAN (Zambia); Hakijamii Trust (Kenya); Initiative for Strategic Litigation in Africa (ISLA) (South Africa); Legal Resources Centre (South Africa).

<sup>132</sup> Among these respondents were Advocates Sans Frontieres (Burundi); ASF (Belgium); ASF (Uganda); SERI-SA (South Africa); Legal Resources Centre (LRC) (South Africa).

<sup>133</sup> ASF (Belgium); ASF (Uganda); Bulgarian Gender Research Foundation (Bulgaria); Femmes Cote d’Ivoire Experience Fciex Rempli (Cote d’Ivoire); SERI-SA (South Africa); FIAN (Zambia); Hakijamii Trust (Kenya); Initiative for Strategic Litigation in Africa (ISLA) (South Africa).

<sup>134</sup> Advocates Sans Frontieres (Burundi) - including legal caravans in rural areas; ASF (Belgium); ASF (Uganda); SERI-SA (South Africa).

complaints were adjudicated or heard in various ways. One respondent was also involved in mediation in this area.<sup>135</sup>

- (2) **Research activities:** Respondents are also involved in a full range of research activities at local, national, regional and international levels.<sup>136</sup> They undertake various forms of knowledge collection,<sup>137</sup> documentation of human rights abuses experienced by communities,<sup>138</sup> and the development of research outputs, including research reports, pamphlets, resource guides and toolkits.<sup>139</sup> While much of this work takes place at local and national levels, some reported involvement in analyzing regional and international legal instruments or commenting on the decisions, recommendations or communications of various treaty bodies. Two respondents are actively involved in conducting in-depth fact-finding missions to document and record the lived experiences of mining-affected communities, communities displaced by large-scale infrastructure projects and communities evicted from urban settings.<sup>140</sup> Two respondents (APWLD and Chiadzwa Community Development Trust) are involved in a number of participatory action research projects.<sup>141</sup> These projects actively involve communities, particularly women, in the research process by enabling community members to design and drive their own research agenda, conduct their own research, analyze their own results and identify and advocate for reforms. Respondents also noted that the research they conducted was often used effectively for advocacy activities and lobbying for legal and policy reforms.<sup>142</sup>
- (3) **Advocacy work:** This was reported to constitute an important part of many respondents' work.<sup>143</sup> In this regard, respondents are involved in various forms of information dissemination, work on social and traditional forms of media, and campaigning for legal and policy reforms through different means. Some respondents also noted that their advocacy activities include engaging government officials and policy makers through formal and informal channels.<sup>144</sup> Various respondents also undertake campaign based work to highlight specific issues or challenges.<sup>145</sup> For example, Amnesty International had an international campaign against evictions in Africa and Europe, while APWLD is working on "Don't Globalise Hunger", a campaign for addressing women's access to land and linkages to food sovereignty. A primary aim of many members' advocacy activities seems to be to increase the visibility of issues of women's rights related to HLP and, in

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<sup>135</sup> ASF (Uganda).

<sup>136</sup> 13 respondents indicated that they were involved in research activities, including Bulgarian Gender Research Foundation (Bulgaria); CLADEM (Paraguay); Defend Jobs Philippines (Philippines); SERI-SA (South Africa); Legal Resources Centre (LRC) (South Africa); FIAN (Zambia); Green Advocates (Liberia); Inclusive Development International (USA); Kebetkache Women Development and Resource Centre (Nigeria); Just Associates (Honduras); FIAN (Germany); APWLD; Chiadzwa Community Development Trust (Zimbabwe).

<sup>137</sup> Bulgarian Gender Research Foundation (Bulgaria); CLADEM (Paraguay); SERI-SA (South Africa); Legal Resources Centre (LRC) (South Africa); FIAN (Zambia); Green Advocates (Liberia); Inclusive Development International (USA); Kebetkache Women Development and Resource Centre (Nigeria).

<sup>138</sup> Defend Jobs Philippines (Philippines); SERI-SA (South Africa); FIAN (Zambia); Just Associates (Honduras).

<sup>139</sup> Inclusive Development International (USA); SERI-SA (South Africa); Legal Resources Centre (LRC) (South Africa).

<sup>140</sup> APWLD (Thailand); FIAN (Germany). The fact finding work conducted by APWLD (Thailand) deserves special mention as their work in this regard includes a number of illuminating projects highlighting the serious abrogation of women's rights to land, housing and natural resources. Some of APWLD's fact finding projects include fact finding missions in relation to mining affected communities in Mongolia and displacements due to World Bank financed project on Kak Lake in Cambodia.

<sup>141</sup> APWLD specifically is involved in 16 feminist participatory action research projects in 12 countries in the Asia region.

<sup>142</sup> APWLD; Chiadzwa Community Development Trust (Zimbabwe); SERI-SA (South Africa).

<sup>143</sup> ANND (Lebanon); ASF (Belgium); Chiadzwa Community Development Trust (Zimbabwe); Defend Jobs Philippines (Philippines); SERI-SA (South Africa); FIAN (Colombia); FLOSAISON (Togo); Hakijamii Trust (Kenya); Initiative for Gender Equality and Development in Africa (IGEDA) (Ghana); Inclusive Development International (USA); Kebetkache Women Development and Resource Centre (Nigeria).

<sup>144</sup> Legal Resources Centre (LRC) (South Africa).

<sup>145</sup> Amnesty International; Defend Jobs Philippines (Philippines); APWLD (Thailand).

some instances, to amplify the voices of marginalized groups or communities.<sup>146</sup> A related activity undertaken by a large number of respondents is lobbying for legal and policy reform at national and regional levels.<sup>147</sup> This work includes advocating for reform of discriminatory or problematic laws at the national level, promoting amendments to corporate practice in the extractive industry at the regional level,<sup>148</sup> and, in one instance, direct engagement at the shareholders meeting of a mining company to advocate for the altering of existing practices.<sup>149</sup>

- (4) **Training, educational or capacity building activities:** Most respondents conduct training workshops and educational programs aimed at raising awareness of rights related to HLP as well as how to protect or enforce these rights.<sup>150</sup> The primary beneficiaries of these activities are communities affected by rights violations, community-based organizations (CBOs), local leaders, activists and human rights defenders, with a clear focus, on the part of respondents, to ensure that women are prioritized as participants. Two respondents (a grassroots social movement in South Africa and the other integrally linked to a grassroots social movement in Honduras) also provide extensive leadership training courses for individuals and communities working to secure their rights related to HLNR.<sup>151</sup> Linked to these activities, many respondents are involved in capacity-building of local activists.<sup>152</sup>
- (5) **Mobilization and movement building:** A small number of respondents indicated that they are involved in assisting communities in such activities.<sup>153</sup> For example, Green Advocates, an organization based in Liberia, has been instrumental in the establishment of the Natural Resource Women's Platform, the first formalized program exclusively for and created by natural resource-dependent women, who collectively organize and lobby for their interests at a national level. The platform emerged from a series of local consultations with rural women dependent on a variety of natural resources, including forests, artisan mining, fishing and charcoal production in Liberia. APWLD, a regional organization working in the Asia region, has also utilized its participatory action research projects in 12 countries for movement building.
- (6) **Networking:** Many respondents also mentioned that they consider networking – including engagement at the national, regional and international levels – with other organizations or

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<sup>146</sup> See, for example, the responses given by Green Advocates (Liberia).

<sup>147</sup> 7 respondents expressly referred to their lobbying work. These respondents were Centre for Natural Resource Governance (Zimbabwe); Chiadzwa Community Development Trust (Zimbabwe); Femmes Cote d'Ivoire Experience Fciex Rempli (Cote d'Ivoire); SERI-SA (South Africa); FIAN (Colombia); Hakijamii Trust (Kenya); Kebetkache Women Development and Resource Centre (Nigeria).

<sup>148</sup> Centre for Natural Resource Governance (Zimbabwe).

<sup>149</sup> Kebetkache Women Development and Resource Centre (Nigeria).

<sup>150</sup> Abahlali base Mjondolo (South Africa); Advocates Sans Frontieres (Burundi); ASF (Belgium); ASF (Uganda); Bulgarian Gender Research Foundation (Bulgaria); Condeferacion Campensina Del Peru (Peru); Centre for Natural Resource Governance (Zimbabwe); Chiadzwa Community Development Trust (Zimbabwe) - particularly Community Bio-Cultural Protocols to protect collective communal rights; CoFem (Mali); Coordinadora Andina De Mujeres (Peru, Ecuador, Bolivia, Colombia); Defend Jobs Philippines (Philippines); Dhaatri Resource Centre for Women and Children (India); Femmes Cote d'Ivoire Experience Fciex Rempli (Cote d'Ivoire); FIAN (Germany); SERI-SA (South Africa); FIAN (Colombia); FLOSAISON (Togo); Green Advocates (Liberia); Hakijamii Trust (Kenya); Initiative for Gender Equality and Development in Africa (IGEDA) (Ghana); Inclusive Development International (USA); Instituto de Liderazgo Simone de Beauvoir, A.C. (Mexico); Just Associates (Honduras); Kebetkache Women Development and Resource Centre (Nigeria); Lebanese Women Democratic Gathering (Lebanon).

<sup>151</sup> In South Africa, Abahlali base Mjondolo has a training course referred to as the University of Abahlali where informal settlement residents are provided training on political and legal issues to enable more active participation in "social struggle". In Honduras, Just Associates provides strategic leadership training through the School of Feminist Alchemy. The School is aimed at assisting natural resource-dependent women, including indigenous and rural women in the Mesoamerican region.

<sup>152</sup> Abahlali base Mjondolo (South Africa); CESCRA (Uganda); Centre for Natural Resource Governance (Zimbabwe); FIAN (Zambia); Hakijamii Trust (Kenya); Inclusive Development International (USA); Initiative for Strategic Litigation in Africa (ISLA) (South Africa).

<sup>153</sup> APWLD; CESCRA (Uganda); Green Advocates (Liberia).

movements involved with HLP issues to be an important part of their work.<sup>154</sup> Some also referred to the importance of exchanges to ensure that communities affected by similar issues are able to learn from each other and build solidarity.<sup>155</sup>

- (7) **Monitoring:** A handful of respondents indicated that they undertake work in relation to monitoring the compliance of their governments or governments within their region with national legislation or regional and international legal instruments.<sup>156</sup> This includes documentation of the failures to implement legal and policy frameworks and development of parallel reports during State reviews.

The responses of ESCR-Net members indicated that the abovementioned work was being conducted in a spread of thematic areas, including access to basic services and provision of infrastructure,<sup>157</sup> problems faced by residents of informal settlements,<sup>158</sup> issues associated to customary law and traditional practices,<sup>159</sup> displacements and human rights infringements due to large-scale infrastructure projects,<sup>160</sup> displacements and human rights infringements due to extractive industries and agri-business,<sup>161</sup> evictions,<sup>162</sup> the legal and societal frameworks regulating property relations associated with marriage and inheritance,<sup>163</sup> support and assistance to local community activists and human rights defenders,<sup>164</sup> domestic, sexual and gender-based violence,<sup>165</sup> and issues related to food production, strengthening of farming communities, the rights to food and adequate nutrition and agrarian reform.<sup>166</sup>

#### 4.4 Positive developments at national or regional level

The main positive development identified by the majority of respondents related to legislative or policy reforms at national level associated with HLP and related rights.<sup>167</sup> Though a comprehensive discussion of

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<sup>154</sup> Abahlali base Mjondolo (South Africa); CESCRA (Uganda); Femmes Cote d'Ivoire Experience Fciex Rempli (Cote d'Ivoire); FIAN (Germany); FIAN (Colombia); Just Associates (Honduras).

<sup>155</sup> Centre for Natural Resource Governance (Zimbabwe); FLOSAISON (Togo); Kebetkache Women Development and Resource Centre (Nigeria).

<sup>156</sup> Bulgarian Gender Research Foundation (Bulgaria); Centre for Natural Resource Governance (Zimbabwe); FIAN (Germany).

<sup>157</sup> Condeferacion Campensina Del Peru (Peru); Centre for Natural Resource Governance (Zimbabwe); Dhaatri Resource Centre for Women and Children (India).

<sup>158</sup> Centre for Economic, Social and Cultural Rights (Hakijamii Trust) (Kenya).

<sup>159</sup> Initiative for Gender Equality and Development in Africa (IGEDA) (Ghana).

<sup>160</sup> ANND (Lebanon); Centre for Natural Resource Governance (Zimbabwe); Defend Jobs Philippines (Philippines); FIAN (Germany); Movimento Dos Atingidos Por Barragens (MAB) (Brazil).

<sup>161</sup> ASF (Belgium); Condeferacion Campensina Del Peru (Peru); CESCRA (Uganda); Centre for Natural Resource Governance (Zimbabwe); Chiadzwa Community Development Trust (Zimbabwe); Dhaatri Resource Centre for Women and Children (India); Kebetkache Women Development and Resource Centre (Nigeria).

<sup>162</sup> Dhaatri Resource Centre for Women and Children (India).

<sup>163</sup> ANND (Lebanon); Legal Resources Centre (LRC) (South Africa); Initiative for Gender Equality and Development in Africa (IGEDA) (Ghana).

<sup>164</sup> Dhaatri Resource Centre for Women and Children (India); Just Associates (Honduras).

<sup>165</sup> Dhaatri Resource Centre for Women and Children (India); Legal Resources Centre (LRC) (South Africa).

<sup>166</sup> Dhaatri Resource Centre for Women and Children (India); FIAN (Germany); FIAN (Colombia).

<sup>167</sup> Abahlali base Mjondolo (South Africa); APWLD (Thailand); ASF (Burundi); ASF (Belgium); ASF (Uganda); Centre for Natural Resource Governance (Zimbabwe); CLADEM (Paraguay); Consortia Oaxaca (Mexico); Coordinadora Andina De Mujeres (Peru, Ecuador, Bolivia, Colombia); Dhaatri Resource Centre for Women and Children (India); Equis, Justicia

these is beyond the scope of this report, one example is the work of Abahlali base Mjondolo that contributed to the abandonment of the KwaZulu Natal Elimination and Prevention of Re-emergence of Slums Act, 2007 (the so-called Slums Act) in South Africa which gave State officials wide-ranging powers to evict people living in informal settlements without following due process.<sup>168</sup> Another example is the advocacy by Dhaatri Resource Centre for Women and Children that led to the enactment of the Forests Rights Act of 2006 in India, which grants legal recognition to the rights of traditional forest dwelling communities, and specifically, grants women equal rights to men.<sup>169</sup> Some of these policy developments have also addressed issue specific regulation, for example the National Gender Action Plan for the Oil Sector in Uganda, which is being developed by the Ministry of Gender, Labour and Development.<sup>170</sup> Another development noted by some respondents is the establishment of potentially innovative new State institutions that are mandated to fulfil and strengthen HLP rights. Some examples include the incorporation of new ministerial or cabinet positions in States, such as the Ministry of National Solidarity, Human Rights and Gender in Burundi<sup>171</sup> and the Malian Housing Agency.<sup>172</sup>

Other respondents noted positive developments occurring as a result of broader initiatives,<sup>173</sup> for example FIAN (Germany) referred to the collective lobbying efforts of civil society organizations at international level in relation to the UN Declaration on the Rights of Peasants and People Working in Rural Areas<sup>174</sup> and CEDAW General Recommendation No 34 on the Rights of Rural Women.

Another key development mentioned by some respondents is that civil society organizations and grassroots movements have successfully lobbied States to create increased spaces/opportunities for consultation and participation, especially for women and other vulnerable groups.<sup>175</sup>

Some respondents identified training, capacity building and skills development in relation to HLP rights and related rights to be an important positive development, especially in relation to women.<sup>176</sup> A number of respondents noted that this was critical to empowering women to take up leadership positions, both within organizations or movements and in political spaces.<sup>177</sup> Finally, a handful of respondents referred to the importance of positive court judgments.<sup>178</sup>

## 5. Opportunities for potential collective work

### *Potential collective work as identified during the survey*

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para Las Mujeres A.C. (Mexico); SERI-SA (South Africa); LRC (South Africa); FIAN (Colombia); FIAN (Zambia); FLORAISON (Togo); Green Advocates (Liberia); Hakijamii Trust (Kenya).

<sup>168</sup> Abahlali base Mjondolo (South Africa).

<sup>169</sup> Dhaatri Resource centre for Women and Children (India).

<sup>170</sup> (CESCRA (Uganda).

<sup>171</sup> ASF (Burundi). See also Green Advocates (Liberia) where similar governmental positions were created.

<sup>172</sup> CoFem (Mali).

<sup>173</sup> FIAN (Germany); FIAN (Colombia).

<sup>174</sup> For more on this, see: <http://viacampesina.org/en/index.php/main-issues-mainmenu-27/human-rights-mainmenu-40/peasants-right-resources/1741-un-concludes-the-2nd-session-for-declaration-on-the-rights-of-peasants-and-other-people-working-in-rural-areas>.

<sup>175</sup> ASF (Belgium); Hakijamii (Kenya).

<sup>176</sup> Abahlali base Mjondolo (South Africa); Consortia Oaxaca (Mexico); Coordinadora Andina De Mujeres (Peru, Ecuador, Bolivia, Colombia); Femmes Côte d'Ivoire Expérience Fciex Rempli (Côte d'Ivoire) (training programs to support skills development in relation to women's economic activities); FLORAISON (Togo).

<sup>177</sup> Abahlali base Mjondolo (South Africa); Chiadzwa Community Development Trust (Zimbabwe); Coordinadora Andina De Mujeres (Peru, Ecuador, Bolivia, Colombia); FLORAISON (Togo).

<sup>178</sup> See Abahlali base Mjondolo (South Africa); Centre for Economic, Social and Cultural Rights in Africa (CESCRA) (Uganda); Defend Jobs Philippines (Philippines); SERI-SA (South Africa); LRC (South Africa); FLORAISON (Togo)

Respondents were asked to identify any additional work that they deem important in relation to women's rights related to HLP, as well as any work in relation to these issues that could be undertaken collectively by ESCR-Net members at different levels.

The majority of participants responded to this question by describing the additional work that they would like, or were planning, to undertake in the future. In this regard, respondents identified the need for increased training and educational programs for communities, CBOs and local activists facing abuses of their rights related to HLP.<sup>179</sup> Similarly, respondents indicated that there was a need for increased capacity-building of communities affected by HLP issues and a need to establish and develop resilient movements of women who could advocate for greater protection for these rights.<sup>180</sup> Some respondents also indicated that further work needs to be done with local government officials and other authorities, including traditional leaders, to ensure that women's rights to HLP are realized fully.

Respondents recognized a need to enhance access to public interest legal services in order to address the critical challenges in relation to access to justice faced by many women.<sup>181</sup> Another key area of work identified was the need for more robust research activities to ensure a more grounded evidence base for litigation, advocacy and lobbying.<sup>182</sup> In this regard, respondents noted that additional resources, materials and toolkits would be potentially useful. Linked to this, respondents noted that future work should include more effective advocacy work and more targeted lobbying for legislative and policy reforms.<sup>183</sup>

A handful of respondents also identified a number of ways in which they would like to upscale their existing work through partnerships with other organizations or networks. In doing so, respondents recognized that there was a need for more participatory networking with other CBOs, organizations or experts at local, national or regional levels in order to ensure better understanding of challenges and struggles facing different countries or regions.<sup>184</sup> Respondents identified knowledge exchanges as potentially useful mechanisms to partner with other organizations or communities in their local and regional contexts.<sup>185</sup> The rationale with these exchanges is to learn from the strategies employed by other communities or groups of women facing similar challenges.

The responses to the survey also indicated some critical opportunities for potential collective work between ESCR-Net members connected with women's rights related to HLP, which include:

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<sup>179</sup> Bulgarian Gender Research Foundation (Bulgaria); CESCRA (Uganda); Centre for Natural Resource Governance (Zimbabwe); Collective Femmes Du Mali (CoFem) (Mali); Consortia Oaxaca (Mexico); Coordinadora Andina De Mujeres (Peru, Ecuador, Bolivia, Colombia); FIAN (Colombia).

<sup>180</sup> APWLD (Thailand); ANND (Lebanon); ASF (Burundi); ASF (Uganda); Defend Jobs Philippines (Philippines); Equis Justice para Las Mujeres A.C. (Mexico); Femmes Cote d'Ivoire Experience Fciex Rempli (Cote d'Ivoire); FIAN (Zambia) - specifically for local politicians and traditional leaders; FLORAISON (Togo); Hakijamii Trust (Kenya).

<sup>181</sup> ASF (Belgium); Equis Justice para Las Mujeres A.C. (Mexico); Kebetkache Women Development and Resource Centre (Nigeria).

<sup>182</sup> APWLD (Thailand); ANND (Lebanon); FIAN (Colombia); FIAN (Uganda); FIAN (Zambia) - publication and widespread dissemination of simplified booklets on women's housing, land and natural resources; Green Advocates (Liberia) - assessing the impacts of Liberia's large scale concessions re land development on women's access to land; Initiative for Strategic Litigation in Africa (ISLA) (South Africa).

<sup>183</sup> APWLD (Thailand); ASF (Burundi); ASF (Uganda); Collective Femmes Du Mali (CoFem) (Mali); Centre for Reproductive Rights (CRR) (Kenya); Femmes Cote d'Ivoire Experience Fciex Rempli (Cote d'Ivoire); FLORAISON (Togo).

<sup>184</sup> Abahlali base Mjondolo (South Africa); Centre for Natural Resource Governance (Zimbabwe); FIAN (Uganda); FIAN (Zambia); FLORAISON (Togo).

<sup>185</sup> Chiadzwa Community Development Trust (Zimbabwe).

- Raise awareness and share information in relation to women’s rights related to HLP, especially in rural and indigenous communities.<sup>186</sup>
- Continue working on assisting communities of women to mobilize and organize so that such groups could advocate for their own needs and interests.<sup>187</sup>
- Working with well-respected women to advance the rights of women’s rights related to HLP at local, regional and international levels.<sup>188</sup> This could arguably add legitimacy to any campaign work undertaken collectively.
- Working closely with a range of Special Procedure mandate holders that deal with HLP and related issues.<sup>189</sup> One suggestion was that regional consultations could be hosted between specific Special Rapporteurs and organizations and grassroots movements. These fora would enable the Special Rapporteurs to more fully understand how challenges related to women’s rights related to HLP play out regionally.
- Advocating for the development of guidelines or international standards around land, rural women, extractive industries and a variety of other issues. These include international and regional guidelines and standards.
- Advocating for the passing of treaty body General Comments or General Recommendations on relevant issues, by UN bodies, as well as a variety of regional bodies, particularly in the African region.
- Solidarity work at regional level to challenge ongoing practices in the extractives and other industries that negatively impact on women’s rights related to HLP.<sup>190</sup>
- Collective work on further defining and elaborating on the international law notions of the various elements of tenure security and adequate housing (as opposed to a focus on forced evictions) by advocating for the adoption of global standards on different elements of the right to adequate housing as a component of the right to life.<sup>191</sup>
- Advocating for the international recognition of the right to access, use and control land as a human right.
- Undertake research projects and develop a range of research publications dealing with the challenges identified by respondents in this report as impediments to women’s rights related to HLP, in order to build a more extensive knowledge base on HLP issues and how women are affected, to be used in respondents’ work.<sup>192</sup>
- Raising awareness and advocating for the universal ratification of the Optional Protocol on International Covenant on Economic, Social and Cultural Rights (OP-ICESCR).<sup>193</sup> This work could also be followed by monitoring States’ compliance with the ICESCR.
- Participation in a number of important international processes dealing with rights related to HLP, including the Post-2015 Developmental Agenda, advocacy around Financing for Development, HABITAT III etc.<sup>194</sup> This would include collectively advocating for the use of the strongest possible language to ensure protection and realization of women’s HLP rights.
- Networking and building partnerships with national, regional and international organizations to “share experiences and build synergies”.<sup>195</sup>

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<sup>186</sup> Bulgarian Gender Research Foundation (Bulgaria); Collective Femmes Du Mali (CoFem) (Mali); Consortia Oaxaca (Mexico); Centre for Reproductive Rights (CRR) (Kenya); Dhaatri Resource Centre for Women and Children (India); Femmes Cote d’Ivoire Experience Fciex Rempli (Cote d’Ivoire); FLORAISON (Togo); Hakijamii Trust (Kenya).

<sup>187</sup> Defend Jobs Philippines (Philippines); FIAN (Zambia).

<sup>188</sup> Abahlali base Mjondolo (South Africa).

<sup>189</sup> APWLD (Thailand).

<sup>190</sup> Centre for Natural Resource Governance (Zimbabwe).

<sup>191</sup> SERI-SA (South Africa).

<sup>192</sup> Femmes Cote d’Ivoire Experience Fciex Rempli (Cote d’Ivoire).

<sup>193</sup> Amnesty International (Uruguay).

<sup>194</sup> APWLD (Thailand).

<sup>195</sup> ASF (Burundi); Bulgarian Gender Research Foundation (Bulgaria); Equis Justice para Las Mujeres A.C. (Mexico).

- Creating national, regional and international platforms where rural women can advocate collectively for their interests and ensure that their voices are heard.<sup>196</sup>
- Developing and maintaining more inclusive fora where organizations, CBOs and community groups that are working to address these challenges can collectively discuss these challenges, conduct shared analysis and develop comprehensive collective strategies, including conferences, workshops and roundtable discussions.<sup>197</sup>

### ***Potential collective work identified during the international strategy meeting on HLNR***

The international strategy meeting in 2015 concluded with an agreement by participants on five areas for potential collaboration, representing an initial set of priorities for further exploration, development and possible engagement by WESCR WG members and the wider ESCR-Net membership. These included: (1) engagement with the UN; (2) enhancing access to justice; (3) addressing the impact of large-scale infrastructure projects, resource extraction and land acquisition; (4) regulating private sector financing, international financial institutions, and trade and investment frameworks; and (5) engagement with the SDG process.

## **6. Next steps**

In addition to more general work on UN engagement, capacity-building and so on, the WESCR WG's 2016 work plan incorporated the following specific HLNR-related activities: (1) advocacy activities at the 2016 Commission on the Status of Women; (2) completion of the mapping report, collection of resources, and online resource page development; (3) development of advocacy projects in collaboration with, potentially, the Corporate Accountability Working Group, the Economic Policy Working Group and/or the Strategic Litigation Working Group.

Current HLNR-related projects include:

- The development of an HLNR resource page on the ESCR-Net website;
- The development of a parallel reporting project, including the creation and dissemination of a practical template for use by practitioners (for the purpose of encouraging the collection and flow of more gender-specific and detailed information to UN treaty bodies, particularly in relation to HLNR issues) and support by members to other members;
- Engagement with advocacy for the development of a CESCR General Comment on ESCR and land;
- Working with the Corporate Accountability Working Group to incorporate a gender perspective into a project examining and advocating against the adverse human rights impacts associated with the Manila Bay reclamation project,<sup>198</sup> as well as integrating a gender analysis – with particular attention to HLNR – into advocacy for an international treaty on human rights and business; and
- Working with the Strategic Litigation Working Group to build the capacity of women leaders to implement and develop further land rights cases in Kenya and other African countries, and leverage such activities to explore and challenge existing gender societal constructs that impede women's enjoyment of ESCR.

In accordance with this current work plan, the WESCR WG will continue to take steps to facilitate further discussion and engagement by members in line with the identified priorities and emerging opportunities, both within the Working Group and in strategic engagement with other ESCR-Net Working Groups. The Global Strategy Meeting in November 2016 will – among other events – present a timely occasion for

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<sup>196</sup> Chiadzwa Community Development Trust (Zimbabwe); Femmes Cote d'Ivoire Experience Fciex Rempli (Cote d'Ivoire).

<sup>197</sup> Coordinadora Andina De Mujeres (Peru, Ecuador, Bolivia, Colombia); Femmes Cote d'Ivoire Experience Fciex Rempli (Cote d'Ivoire); Instituto de Liderazgo Simone de Beauvoir, A.C. (Mexico).

<sup>198</sup> For more information, see: <https://www.escr-net.org/news/2015/manila-bay-reclamation-project>.

members to evaluate and further develop collective work to advance enjoyment of women's rights related to HLNR.

## Annex A: Copy of the survey



### QUESTIONNAIRE: WOMEN AND HOUSING, LAND AND PROPERTY RIGHTS (2014)

*One of ESCR-Net's long-term goals is to secure women's substantive equality and economic, social and cultural rights. In light of member interest in relation to women's enjoyment of housing, land and property (HLP) rights, our Women and ESCR working group is undertaking action this year to deepen our shared understanding of, and exchange experience in relation to, these issues, with a view to devising appropriate strategies for constructive collective action. Feel free to expand the space in the table below as necessary to include relevant information.*

<b>Name:</b>
<b>Organization/group:</b>
<b>Address:</b>
<b>Contact number (organization, mobile):</b> <b>skype:</b>
<b>Email address:</b>

1	Please indicate which HLP issues are of particular significance in relation to women in your country/region. Do you currently work on such issues?	Issue? Yes/No	Current work? Yes/No
	Components of the right to housing: legal security of tenure; availability of services, materials, facilities and infrastructure (including access to water and sanitation, heating, cooling, lighting, and energy); affordability; habitability; accessibility; location; cultural adequacy		
	Slums or informal settlements		
	Forced evictions		
	Legal and societal frameworks concerning relationships, marriage and inheritance, as connected with women's control of land or property		
	Other impacts on access to and control over land (as connected to women's livelihoods, food security, economic independence and physical security, including of children) – for example, urban development, large-scale infrastructure projects, large-scale land acquisition, tourism, trade agreements		
	Displacement due to conflict/natural disaster, and reconstruction		

	Other (please specify)		
2	<p>In connection with the issues identified above, what are the particular obstacles or barriers to the enjoyment of women’s housing, land and property rights? For example, please consider:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <i>Legislative or policy issues (e.g. lack of legislation/policy, discrimination and/or gaps in existing legislation/policy, unfavourable interpretation of provisions, failure to implement)</i></li> <li><input type="checkbox"/> <i>customary law issues (discrimination and/or gaps, failure to implement, clash with other legal systems)</i></li> <li><input type="checkbox"/> <i>social/family pressure, socially prescribed and structurally reinforced gender roles</i></li> <li><input type="checkbox"/> <i>access to justice issues (lack of/inadequately operating mechanisms for redress, barriers preventing awareness of/access to available mechanisms)</i></li> </ul>		
3	<p>Please describe specific work you are undertaking in relation to women’s enjoyment of HLP rights (for example: monitoring; education and training; political lobbying; advocacy; legal reform; litigation; engagement with regional or international processes and mechanisms) and the level(s) at which you work, whether local, national, regional and/or international.</p>		
4	<p>Please list any positive initiatives in your country to strengthen women’s enjoyment of HLP rights (for example: proposed legislative reform; state monitoring/engagement with monitoring bodies; consultations; education and toolkits; progressive judgments; successful implementation of judgments)</p>		
5	<p>Please note any additional or collective work you would like to do in relation to women and HLP rights</p>		
6	<p>Please provide any other information you think might be useful to developing a better understanding of women and HLP issues in your country, region or globally, and list any other NGOs or individuals you are aware are working on such issues in your country.</p>		

When possible, please send links or copies of any law, regulation, policy or other document related to your answers. Due to limited capacity for translation, we kindly request that you submit your answers, if possible, in English, Spanish or French.

Please send your response by email to [wescr@escr-net.org](mailto:wescr@escr-net.org). Thank you for your participation!

## Annex B: List of survey respondents

RESPONDENT ORGANIZATION	CONTACT PERSON	COUNTRY	REGION	WEBSITE
Abahlali baseMjondolo	Sindisiwe Mkhize	South Africa	Africa	<a href="http://abahlali.org">http://abahlali.org</a>
Amnesty International	Mariana Labastie	Uruguay	Latin America	<a href="https://www.amnesty.org/">https://www.amnesty.org/</a>
Asia Pacific Forum on Women, Law and Development (APWLD)	Tessa Khan	Thailand	Asia	<a href="http://apwld.org">http://apwld.org</a>
Arab NGO Network for Development (ANND)	Bihter Moschini	Lebanon	Middle East	<a href="http://www.annd.org/english/index.php">http://www.annd.org/english/index.php</a>
Avocats Sans Frontières (ASF)	Sistor Havyarimana	Burundi	Africa	<a href="http://www.asf.be">http://www.asf.be</a>
Avocats Sans Frontières (ASF)	Dorah	Uganda	Africa	<a href="http://www.asf.be">http://www.asf.be</a>
Avocats Sans Frontières (ASF)	Shira Stanton	Belgium	Europe	<a href="http://www.asf.be">http://www.asf.be</a>
Asociación Q'ukumatz	Lorenza Laynes	Guatemala	Latin America	<a href="http://qukumatz.org">http://qukumatz.org</a>
Association for Women's Rights in Development (AWID)	Alejandra Scampini	Uruguay	Latin America	<a href="http://www.awid.org">http://www.awid.org</a>
Bulgarian Gender Research Foundation	Daniela Gorbounova and Genoveva Tisheva	Bulgaria	Europe	<a href="http://bgrf.org">http://bgrf.org</a>
Confederación Campesina del Perú (CCP)	Elga Angulo Gutiérrez	Peru	Latin America	<a href="http://confederacioncampesinadelperu.blogspot.com">http://confederacioncampesinadelperu.blogspot.com</a>
Centre for Economic, Social and Cultural Rights (Hakijamii Trust)	Pauline Vata	Kenya	Africa	<a href="http://www.hakijamii.com">http://www.hakijamii.com</a>

RESPONDENT ORGANIZATION	CONTACT PERSON	COUNTRY	REGION	WEBSITE
Centre for Economic, Social and Cultural Rights in Africa (CESCRA)	Agnes Kabajuni	Uganda	Africa	<a href="http://www.cescra.org">http://www.cescra.org</a>
Centre for Natural Resource Governance	Farai Maguwu	Zimbabwe	Africa	<a href="https://www.facebook.com/Centre-for-Natural-Resource-Governance-436395516431653/">https://www.facebook.com/Centre-for-Natural-Resource-Governance-436395516431653/</a>
Chiadwa Community Development Trust	Mela Chiponda	Zimbabwe	Africa	<a href="https://www.facebook.com/chiadzwacommunitydevelopmenttrust">https://www.facebook.com/chiadzwacommunitydevelopmenttrust</a>
Comité de América Latina y El Caribe para la Defensa de los Derechos de la Mujer (CLADEM)	María Limpia Díaz Ortega	Paraguay	Latin America	<a href="http://www.cladem.org">http://www.cladem.org</a>
Collectif des Femmes du Mali (COFEM)	Tamboura Touré Yaba	Mali	Africa	<a href="http://cofem.courantsdefemmes.org">http://cofem.courantsdefemmes.org</a>
Consortio para el Diálogo Parlamental y la Equidad Oaxaca A.C. (Consortio Oaxaca)	Fátima Ojeda Hernández	Mexico	Latin America	<a href="http://consorciooaxaca.org.mx">http://consorciooaxaca.org.mx</a>
Coordinadora Andina de Organizaciones Indígenas	María Carmen Lozano Saca	Ecuador, Bolivia, Peru, Colombia	Latin America	<a href="http://www.coordinadoracaoi.org/">http://www.coordinadoracaoi.org/</a>
Center for Reproductive Rights	Kenya Evelyne Opondo	Kenya	Africa	<a href="http://www.reproductiverights.org/">http://www.reproductiverights.org/</a>
Defend Job Philippines	Arlene Brosas	Philippines	Asia	<a href="https://defendjobphilippines.wordpress.com">https://defendjobphilippines.wordpress.com</a>
Dhaatri Resource Centre for Women and Children	Bhanumathi Kalluri	India	Asia	<a href="http://www.dhaatri.org">http://www.dhaatri.org</a>
Egyptian Center for Economic and Social Rights	Norhan Sherif Mokhtar	Egypt	Africa	<a href="http://ecesar.org/en/">http://ecesar.org/en/</a>

RESPONDENT ORGANIZATION	CONTACT PERSON	COUNTRY	REGION	WEBSITE
Equis Justicia para las Mujeres (Equis)	Fátima Leonor Gamboa Estrella	Mexico	Latin America	<a href="http://equis.org.mx">http://equis.org.mx</a>
Femmes Côte d'Ivoire Experience (FCIEX)	Pauline Yao	Côte d'Ivoire	Africa	<a href="http://www.fciex.org">http://www.fciex.org</a>
FIAN International: Germany	Denisse Cordova	Germany	Europe	<a href="http://www.fian.org">http://www.fian.org</a>
FIAN International: Burkina Faso	Valérie Soma	Burkina Faso	Africa	<a href="http://www.fian.org">http://www.fian.org</a>
FIAN International: Colombia	Ingrid Paola Romero Niño	Colombia	Latin America	<a href="http://www.fian.org">http://www.fian.org</a>
FIAN International: Uganda	Rehema Bavuma	Uganda	Africa	<a href="http://www.fian.org">http://www.fian.org</a>
FIAN International: Zambia	Angela Mulenga	Zambia	Africa	<a href="http://www.fian.org">http://www.fian.org</a>
FLORAISON	-	Togo	Africa	-
Gender Centre for Research and Training	Mohamed Hamad and Nimat Koko	Sudan	Africa	-
Green Advocates	Alfred Brownell	Liberia	Africa	<a href="https://www.greenadvocates.org/">https://www.greenadvocates.org/</a>
Habitat International Coalition (HIC), Housing and Land Rights Network (HLRN)	Anelise Melendez Lundgren, Maria Silvia Emanuelli and Lorena Zarate	Bolivia	Latin America	<a href="http://www.hic-net.org">http://www.hic-net.org</a>
Human Rights Commission of the Maldives	Mariyam Laiza	Maldives	Asia	<a href="http://hrcm.org.mv/">http://hrcm.org.mv/</a>
Initiative for Gender Equality and Development in Africa (IGED)	Marian Acquah-Harrison	Ghana	Africa	<a href="http://www.igedafrica.org">http://www.igedafrica.org</a>

RESPONDENT ORGANIZATION	CONTACT PERSON	COUNTRY	REGION	WEBSITE
Inclusive Development International (IDI)	Natalie Bugalski	United States	North America	<a href="http://www.inclusivedevelopment.net">http://www.inclusivedevelopment.net</a>
Instituto de Liderazgo Simone de Beauvoir A.C.	Christian Aurora Mendoza Galán	Mexico	Latin America	<a href="http://www.ilsb.org.mx">http://www.ilsb.org.mx</a>
Initiative for Strategic Litigation in Africa (ISLA)	Sibongile Ndashe	South Africa	Africa	<a href="http://www.the-isa.org">http://www.the-isa.org</a>
Just Associates	Daysi Flores	Honduras	Latin America	<a href="http://www.justassociates.org/en/">http://www.justassociates.org/en/</a>
Kebetkache Women's Development and Resource Centre	Emem J Okon	Nigeria	Africa	<a href="https://kebetkachewomen.wordpress.com">https://kebetkachewomen.wordpress.com</a>
Lebanese Women's Democratic Gathering	Outeiba Merhebi	Lebanon	Middle East	<a href="http://www.rdfwomen.org/eng/">http://www.rdfwomen.org/eng/</a>
Legal Resources Centre (LRC)	Charlene May	South Africa	Africa	<a href="http://www.lrc.org.za">http://www.lrc.org.za</a>
Movimento dos Atingidos por Barragens / Movement of People Affected by Dams (MAB)	Mendicleia Meris di Oliveira	Brasil	Latin America	<a href="http://www.mabnacional.org.br">http://www.mabnacional.org.br</a>
Minority Rights International	Agnes Kabajuni	Uganda	Africa	<a href="http://minorityrights.org">http://minorityrights.org</a>
National Fisheries Solidarity Organization (NAFSO)	Geetha Udagampagale	Sri Lanka	Asia	<a href="http://www.nafso-online.org">http://www.nafso-online.org</a>
Nazdeek	Jayshree Satpute	India	Asia	<a href="http://nazdeek.org">http://nazdeek.org</a>
Ogiek Community	Fanis Inganga	Kenya	Africa	-
Office of the High Commissioner for Human Rights United Nations, Housing Rights Programme (OHCHR)	Bahram Ghazi	Switzerland	Europe	-

RESPONDENT ORGANIZATION	CONTACT PERSON	COUNTRY	REGION	WEBSITE
Organización Fraternal Negra Hondureña (OFRANEH)	Francis Yanina Norales Figueroa	Honduras	Latin America	<a href="http://www.ofraneh.org/">http://www.ofraneh.org/</a>
Socio-Economic Rights Institute of South Africa (SERI)	Zwonaka Netshifulani	South Africa	Africa	<a href="http://www.seri-sa.org">http://www.seri-sa.org</a>
Silaka and Committee to Promote Women in Politics	Tida Khus	Cambodia	Asia	<a href="http://www.silaka.org">http://www.silaka.org</a>
SOC-SAT (Union of Agricultural Workers-Union of Andalusian Workers)	Sandra Patricia Moreno Cadena	Spain	Europe	<a href="https://socialmeriaeng.wordpress.com">https://socialmeriaeng.wordpress.com</a>
STAR Kampuchea (SK)	Chea Sokleang	Cambodia	Asia	<a href="http://www.starkampuchea.org.kh/">http://www.starkampuchea.org.kh/</a>
Tierraviva a los Pueblos Indigenas del Chaco	María Julia Cabello Alonso	Paraguay	Latin America	<a href="http://www.tierraviva.org.py">http://www.tierraviva.org.py</a>
Women's Legal Aid Centre (WLAC)	Rehema Msami	Tanzania	Africa	<a href="http://womenslegalaidcentre.org">http://womenslegalaidcentre.org</a>
Women and Law in Southern Africa (WLSA)	Maureen Tresha	Zambia	Africa	<a href="https://wlsamw.wordpress.com">https://wlsamw.wordpress.com</a>

## Annex C: List of additional stakeholders working on HLNR issues from human rights and other perspectives (non-exhaustive)

ORGANIZATION	DESCRIPTION	WEBSITE
ActionAid International	ActionAid is an international organization working to free people from injustice and poverty around the world. Their #LandFor campaign supports families and their rights to keep their farmland. Their publication, <a href="#">Act On It: Four Key Steps to Prevent Land Grabs</a> breaks down the policies and reforms that governments need to do to prevent land grabs. Most recently, ActionAid has published, <a href="#">New Alliance, New Risk of Land Grabs</a> , examining how the G8 Alliance for Food Security and Nutrition increases the risk of rural communities losing their land to large investors.	<a href="http://www.actionaid.org">http://www.actionaid.org</a>
Civil Society Mechanism (CSM) for relations with the UN Committee on World Food Security (CFS)	The CSM is the largest international space of civil society organizations working to eradicate food insecurity and malnutrition. The CSM is an autonomous body that forms part of the reformed CFS. The purpose of the CSM is to facilitate civil society participation and articulation into the policy processes of the CFS.	<a href="http://www.csm4cfs.org">http://www.csm4cfs.org</a>
Forest Peoples Programme (FPP)	Founded in 1990, FPP supports the right of indigenous forest people to defend their lands, livelihoods and natural resources. The FPP works with indigenous communities in South Africa, Africa and Asia. The FPP assist indigenous communities in securing their rights through capacity building and strengthening their skills in negotiating with governments and companies. The FPP also publishes reports that call awareness to injustices against forest people around the world.	<a href="http://www.forestpeoples.org">http://www.forestpeoples.org</a>
Global Justice Now	Global Justice Now is a social justice organization that seeks to mobilize people to challenge existing power structures to create a more just and equal world. Global Justice Now's <a href="#">food sovereignty campaign</a> challenges big corporations that are dominating the small-scale and subsistence farming. Global Justice Now also provides ways to <a href="#">take action</a> against land grabbing and stand by small farmers to support food sovereignty.	<a href="http://www.globaljustice.org.uk">http://www.globaljustice.org.uk</a>

ORGANIZATION	DESCRIPTION	WEBSITE
GRAIN	GRAIN is an international non-profit organization that supports small farmers and social movements in their struggles for community-controlled and biodiversity-based food systems, by conducting independent research and analysis, networking at local, regional and international levels, and fostering new forms of cooperation and alliance-building. Most of GRAIN's work is carried out in, Africa, Asia and Latin America.	<a href="https://www.grain.org">https://www.grain.org</a>
Huairou Commission	The Huairou Commission's Land and Housing Campaign provides a platform for grassroots women across the globe to claim their land and property rights. Through women and community-led strategies, the campaign has stopped asset stripping and land grabbing, reversed evictions, and influenced effective implementation of land policies and programs that work for grassroots women and are grounded in evidence-based monitoring. The Huairou Commission works on developing and strengthening gender evaluation criteria and facilitates peer-to-peer exchanges.	<a href="https://huairou.org">https://huairou.org</a>
Institute for Poverty, Land & Agrarian Studies (PLAAS)	PLAAS is a specialist unit at the University of Western Cape in South Africa. PLAAS is dedicated to restructuring and contesting land holdings and the agro-food systems in southern Africa. Their research and postgraduate teaching explore the access and resource use patterns and the relationships between governance and land, water, and natural resource access of the poor.	<a href="http://www.plaas.org.za">http://www.plaas.org.za</a>
International Indian Treaty Council (IITC)	The IITC is an organization of indigenous communities from North, Central, South America, the Caribbean and the Pacific working for the sovereignty and self determination of indigenous peoples and the recognition and protection of indigenous rights, cultural rights and indigenous land rights.	<a href="http://www.iitc.org/">http://www.iitc.org/</a>
International Land Coalition (ILC)	ILC is a global coalition consisting of 206 members in 64 countries working together to promote secure and equitable access to land for rural people, mainly through capacity building, knowledge sharing and advocacy.	<a href="http://www.landcoalition.org/">http://www.landcoalition.org/</a>

ORGANIZATION	DESCRIPTION	WEBSITE
International Planning Committee for Food Security (IPC)	IPC is the world's largest Alliance of small-scale food producers, peasant family farmers, artisanal fisher folks, pastoralists, nomads, indigenous peoples and indigenous organizations, the landless, urban producers, alternative consumer movements, rural workers and grassroots organizations, whose aim is to advance the food sovereignty agenda at the global and regional level.	<a href="http://www.foodsovereignty.org">http://www.foodsovereignty.org</a>
Landesa	Landesa works to secure land rights for the world's poorest peoples. Their campaign, <a href="#">Land Post-2015</a> , aims to incorporate land-rights in the international global agenda after the Millennium Development Goals expired in 2015. The organization has also developed how-to guides for responsible land development and investment based on field research and stakeholder involvement that are adaptable to different countries.	<a href="http://www.landesa.org/what-we-do/womens-land-rights/">http://www.landesa.org/what-we-do/womens-land-rights/</a>
Land Matrix Project	The Land Matrix Project is a land monitoring initiative that promotes transparency and accountability in land investments. It keeps track of official and unofficial land contracts and the different stages of negotiation: intended, concluded, and failed. With more transparent information, the Land Matrix Project hopes to make land development more open with greater community involvement.	<a href="http://www.landmatrix.org/">http://www.landmatrix.org/</a>
La Via Campesina (LVC) / International Peasants Movement	LVC gathers together peasants, small and medium-size farmers, migrants, and agricultural workers all over the world to support small-scale sustainable agriculture. They work to protect food sovereignty and trade through their campaign and grassroots actions to block transnational corporations and free-trade agreements.	<a href="http://viacampesina.org/">http://viacampesina.org/</a>
Namati	Namati is an international organization dedicated to advancing the field of legal empowerment and to strengthening people's capacity to exercise and defend their rights. Namati's community land protection project supports communities to follow national land documentation laws to protect their customary and indigenous land rights.	<a href="https://namati.org">https://namati.org</a>
Oakland Institute	Oakland Institute is a policy think tank whose research sheds light on social, economic, and cultural issues around the world. Their work regarding land rights is dedicated to increasing transparency about land deals, development, and the impact they have in several African countries.	<a href="http://www.oaklandinstitute.org">http://www.oaklandinstitute.org</a>

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Oxfam International	Part of Oxfam International's work focuses on defending individuals' rights to natural resources. They work with farmers and fishers to defend their resources and also help communities gain legal title to their land. They help give people a voice, like the <a href="#">260 young people</a> in Curuguaty, Paraguay, who have been left without land because of a land grab.	<a href="https://www.oxfam.org">https://www.oxfam.org</a>
Rights & Resources Initiative (RRI)	RRI is a global initiative to support indigenous peoples and other local communities dependent on forests by ensuring that forests are placed under local ownership and administration with secure, pro-poor tenure, policy and market reforms. RRI works with 13 partners and 150 collaborator organizations in 20 countries in Africa, Asia and Latin America	<a href="http://rightsandresources.org/">http://rightsandresources.org/</a>
Shack / Slum Dwellers International (SDI)	SDI is a network of community-based organizations of the urban poor in 33 countries and hundreds of cities and towns across Africa, Asia and Latin America. In each country where SDI has a presence, affiliate organizations come together at the community, city and national level to form federations of the urban poor.	<a href="http://sdinet.org/">http://sdinet.org/</a>
World Forum of Fish Harvesters & Fish Workers (WFF)	WFF is a global organization of small-scale fisher organizations for the establishment and upholding of fundamental human rights, social justice and culture of artisanal / small scale fish harvesters and fish workers, affirming the sea as source of all life and committing themselves to sustain fisheries and aquatic resources for the present and future generations to protect their livelihoods.	<a href="http://worldfisherforum.org">http://worldfisherforum.org</a>
World Rural Forum	The World Rural Forum analyzes the problems and needs of rural farmers around the world and through meetings with universities, research centers, farmers' associations, and NGOs draws up plans of action. Through their online publications and events, The Forum aims to spread awareness about rural development issues as well as promote development proposals.	<a href="https://www.ruralforum.net/">https://www.ruralforum.net/</a>