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# How can women's land rights be secured?

## Synthesis of the online discussion



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From 23 January to 6 February, ILC held an **online discussion** leading up to the ILC-IFAD-FAO side event at the Commission on the Status of Women (CSW), 27 February – 9 March 2012, New York. The discussion was held simultaneously on the **Land Portal** and in the **FSN-Forum** – 70 contributions were received from 32 countries, from grassroots activists, researchers, NGOs and government staff. While highlighting the difficult situation faced by women in many countries, contributions to the discussion included many examples on how to promote women's land rights, providing recommendations based on best practice in three main areas:

- **Understanding rights:** the importance of information
- **Claiming rights:** the importance of mobilisation
- **Guaranteeing rights:** the importance of enabling environments and implementation

Despite the current context of an ever increasing commercialisation of agriculture, the growing pressure on land for the production of fuel crops and conservation purposes poses additional challenges for women whose land rights are already weak. This also presents an opportunity to secure the land rights of all land users, and in particular small farmers, to ensure sustainable livelihoods. The knowledge accumulated in a myriad of projects to secure women's land rights – which has been shared during the online discussion – is crucial to promoting not only women's land rights, but also the land rights of all those vulnerable to losing them.

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Online discussion hosted by:



## Understanding rights: the importance of information

Many contributors stressed the need to increase women's awareness of their rights to inherit land, own land and participate in land governance, but to also target traditional authorities and involve men in general. One important point highlighted was the need to address the land rights of all women, be they single, married, separated, divorced or widowed, as well as the rights of female land users in different groups (indigenous peoples, pastoralists). To increase understanding of women's land rights, contributors recommended:

- Increasing women's literacy and education
- Informing women about their rights and work with women and men in communities to continue spreading such information
- Informing men of the benefits of securing women's rights to change ingrained attitudes, and asking them to improve their daughters' position in the family
- Engaging with customary authorities to stress the benefits of and build acceptance for women's land rights at the community level, through customary practices that protect women's rights
- Targeting public officials responsible for land administration, especially inheritance claims
- Engaging with NGOs, CSOs and farmers organisations to change their organisational culture and embrace gender-sensitive practices
- Engaging with media (radio, TV, and newspapers) to raise visibility on women's land right issues, both to inform women and men at the local level and to influence government

Awareness campaigns are even more important in the context where a shift from traditional agriculture to a more market-oriented agriculture disproportionately affects women.

### Examples:

In Togo, **WILDAF** (Women in Law and Development in Africa Network) organised meetings with local authorities and administrators, providing education on women's land rights and trained women agricultural workers as paralegals to support rural communities.

In India, **SWADHINA** shared legal provisions with rural women through booklets, cartoons, posters, videos, grassroots level meetings and Earth Festivals, which also involved men.

In Burundi, **IFAD** raised awareness on women's land rights, through activating legal clinics, and by establishing family development committees, which also run literacy classes. To help spread awareness, competitions were held in villages, where locals could win prizes by showing their legal prowess.

In India, the **Deccan Development Society** (DDS) trained women of all ages to operate audio and video recording equipment, produce and edit films and radio program broadcasts in 100 villages.





## Claiming rights: the importance of mobilisation

Women themselves are best placed to claim their rights, and grassroots mobilisation was identified as crucial to raising the profile of women's land rights in local and national policy agendas, as well as strengthen women's representation in decision-making processes. Women's organisations need support, especially in capacity building, to allow them to document their practices and challenges, access justice systems, and advocate with decision-makers.

### Examples:

In Burundi, **IFAD** provided support to rural women claiming their land rights, through legal clinics, active at the provincial level and managed by female lawyers.

In Kenya, **GROOTS** supported community-based watchdog groups to protect women's land rights, providing alternative dispute resolution, legal aid, and access to justice systems.

In India, the **Ekal Nari Shakti Sangathan**, a network of single women (never married, abandoned, divorced, separated, and widowed) demanded separate official registration, separate ration cards, and two acres of surplus government land on a 30 year lease from the state. In Himachal Pradesh, the first two demands were accepted in 2009, enabling the women to access pensions, for instance.

In Nepal, **CSRC** (Community Self-Reliance Center) facilitated grassroots mobilisation and supported marches of grassroots women and their organisations, including a massive land march in early 2011, to request supportive legislation and its implementation. Grassroots mobilisation led to enhanced awareness of existing laws and entitlements, sensitised men, especially village leaders and state functionaries.

In Nicaragua, intense mobilisation by a network of women's organisations, the **Coordinadora de Mujeres Rurales** (Coordination of Rural Women) led to the adoption of the Ley 717 (2010), which created a Fund for supporting women to buy land.

In India, **Ekta Parishad** claimed legitimate decision-making spaces and secured the formation of a Land Reform Committee under the Minister for Rural Development after a strong land march by 25,000-people (40 percent women), through the multi-stakeholder Land Reforms Councils.

In Guatemala, women's organisations mobilising for land rights under the leadership of the **Alianza de Mujeres Rurales** (Rural Women's Alliance) since 1993, have successfully influenced the formulation of the Rural Development Law, specifically on co-ownership of land.



## Guaranteeing rights: the importance of enabling environments and implementation

In many countries, discriminatory laws and policies persist and need to be revised so as to guarantee women's land rights, while where such legal provisions and policies exist, implementation may be sporadic. Reaching rural communities is a challenge, as is the heterogeneity of women, some of who may be excluded on the basis of their marital status. While implementation challenges persist, there are examples of laws, policies and development programs involving the state that have had a positive impact and can be replicated.

### Examples:

In **Nepal**, the government has announced a 40% tax discount for women who register a land title, as well as a lower fee for registering joint ownership, leading to a surge in women and couples registering land.

In **Rwanda**, the 1999 inheritance law grants equal inheritance rights to sons and daughters, and protects the property rights of legally married women, through a clause requiring spousal consent for any land sales; leading to improved tenure security for married women and less gender bias in inheritance.



In **Colombia**, through the Ley 731 of 2002, and in **Nicaragua**, through the Ley 717 a Fund for women's land rights was established.

In **India**, a set quota of 30% reserved for women at all levels of local government has helped to increase women's representation in decision-making. While not without its challenges, such quotas have contributed to positive change by strengthening women's leadership and giving them the possibility to influence agendas and decisions locally.

In **Bolivia**, women's land rights have been recognised for mothers and widows since the 1953 Agrarian Reform. The National Service Act 1996 Agrarian Reform, fully recognises women's land rights regardless of their marital status, effectively giving women the same rights as the partner they cohabitate with and whose name is on a land title.

In **India**, since the mid-1980s, the Deccan Development Society has organised over 3,000 low caste (dalit) women to develop, take decisions and establish de facto control (leasing or buying) over low quality fallow lands with financial support from the state government and organisational support from NGOs. While in Kerala, the state-led Kudumbashree programme has put pressure on the local governments to promote collective farming by women on land leased from the state.

In **Sierra Leone**, the state-led small-holder commercialisation program (SCP) policy in the agriculture sector is promoting women's land rights through women's participation in community based organisations for production, processing and marketing, and who are granted group ownership rights to land.

In **Nepal**, the IFAD/FAO and government of Nepal programme on leasehold forestry and fodder development has enabled women rural forest users to obtain joint signatories position equally with men.

In **Mozambique**, FAO, the Ministry of Justice, and the Juridical and Judicial Training Center (CFJI) provided paralegal training courses for women. Paralegals sensitised communities on the benefits of gender equality and provided women with information on how to claim their land rights.

For more details on any of these examples and to read all contributions to the online discussion, please see the discussion archive on the Land Portal: <http://landportal.info/content/how-can-women-s-land-rights-be-secured>, and on the FSN Forum webpage: <http://km.fao.org/fsn/discussions/women-land-rights/en/>. This online discussion was organised as part of a wider ILC initiative on Women's Land Rights (WLR). If you would like further information on the initiative, please see <http://www.landcoalition.org/global-initiatives/womens-land-rights/womens-land-rights> or contact us at [info@landcoalition.org](mailto:info@landcoalition.org)

The International Land Coalition (ILC) is a global alliance of civil society and intergovernmental organisations working together to promote secure and equitable access to and control over land for women and men. It is composed of 116 member organisations in more than 50 countries, including United Nations agencies and other international organisations, farmers' organisations, research institutes, NGOs and community-based organisations.