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Women's Property Rights: Advancing Development Through Human Rights

Monday, January 28, 2008, 1:30 – 3:00 pm

Facilitator:

Nata Duvvury, Director of the Gender, Violence, and Rights, International Center for Research on Women (ICRW)

Panelists:

Violet Shivutse, GROOTS Kenya (KENYA)

Janet Walsh, Deputy Director, Women's Rights Division, Human Rights Watch (UNITED STATES)

Nata Duvvury

Duvvury introduced the panel by noting that human rights and development reinforce, not oppose each other. Practitioners from both fields recognize that economic growth is not sufficient; equality, agency, and participation are integral for development. She provided context for the panel by giving an overview of women's ownership of productive assets. Women own and control land and housing far less frequently than men, especially in Africa and South Asia. For example, women do 75% of agricultural work, but hold <10% of land certificates in Africa. In Latin America, women are <10% of landowners; in Pakistan only 3%.

This is important both because it is a glaring inequality and because it has additional impacts. When women control land and housing, there is greater efficiency in food production and enhanced food security for families. This is especially critical in the context of HIV – women who are food insecure are more likely to sell sex and have unprotected sex. Moreover, a significant body of research shows women and men spend income differently, and when women control assets, they spend more on children's education and health. Equal property rights boost women's capacity to negotiate their own lives, thereby reducing HIV risk and domestic violence, improving household food security, spurring economic growth, enhancing children's wellbeing, and improving natural resource management. The UN MDG task force on gender equality and the World Bank have both acknowledged this.

There is a need for more rigorous knowledge regarding the impact of land and property rights on development outcomes and on civil and political rights. For example, does owning property enable women to live realize their civil and political rights more fully?

Janet Walsh

Walsh recounted some of the testimony HRW has gathered in its research: women being evicted from their homes upon their husbands' death or divorce; failure of police or land authorities to seriously

address women's claims; and women entering or remaining in abusive relationships in order to keep a roof over their and their children's heads. She also reported women working together to demand their rights, stop property grabbing before it happens, and respond once it does. "The women might not use human rights language, citing CEDAW provisions, to describe what they do," she said, "but this is fundamental human rights work."

Despite international human rights law that protects women's property rights, they are violated regularly. This is a consequence of: unequal or poorly enforced inheritance, marriage, and divorce laws; customary laws; gender-biased land reform processes; discrimination in access to credit and land; biased attitudes of police, judges, and land administrators; and women's low level of knowledge about their own rights.

Walsh described promising community-led efforts to advance women's property rights:

- Reforming marriage and divorce laws and land administration processes
- Capitalizing on the promise of customary law (not just international treaties) to change attitudes of traditional leaders and communities
- Raising awareness through community workshops and public education campaigns
- Community mobilizing through peer learning and grassroots participatory research
- Establishing community-led accountability mechanisms (such as watchdog groups) to stop property grabbing before it happens
- Increasing access to justice through paralegal services and training judges, police, and other local authorities
- Developing shared tenure and credit programs, such as collective land purchases and cultivation by women's groups

Two property rights initiatives, one coordinated by ICRW, the other by Women's Land Link Africa (WLLA), have provided support for several of these strategies. At the national and international levels, there are NGOs conducting more traditional human rights reporting and advocacy (HRW has report on property rights in about 12 countries) and advancing international standards, such as the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, which specifically addresses women's property rights.

Walsh concluded by acknowledging donors' support for property rights issues as important for the work itself and for building the leadership of women, but also because it sends a signal to governments that women's property rights is something that must be taken seriously.

Violet Shivutse

Shivutse recounted how, in her community of Kakamega in western Kenya, home-based caregivers (HBCs) raised the alarm over the increasing number of HIV-affected women evicted from their land when their HIV status was revealed or when their husbands died. Her group (part of the WLLA network) did a mapping and found that women were unaware that Kenyan law supported women's property rights. This situation was exacerbated by socio-cultural attitudes that disempowered women (such that women themselves are property and should not have standing in court) and the inaccessibility of institutions that address property issues (because of corruption; long and complicated procedures; lack of money and ability to pursue cases; and popular belief that these institutions must be accessed through male relatives). The mapping found that, as a consequence of financial strain and migration due to dispossession, many women stopped taking their HIV medication; poverty and hunger among

affected women and their children rose; and children were less likely to be in school. These outcomes increased vulnerability to HIV and fed the growth of informal, slum settlements.

Shivutse then described mitigation strategies pursued by grassroots women in her region, including the watchdog committees, community dialogues, and paralegal networks described by Walsh. She reported that these strategies have borne fruit: cases of property stripping had been resolved at the community level and there was a decrease in dispossession as awareness of the issue spread. Moreover, the strategies seem to be having a more long-term influence on local development, including enhanced collaboration between community members, leaders, and local institutions; increased accessibility to provincial administration; and the creation of room for further education in the community.

Challenges to progress included lack of support for, or even recognition of, the community's work by the central government, although local governments were engaged. This was further reflected in donors' failure to acknowledge and value grassroots work, in part the consequence of insufficient documentation of successful experiences in a form donor agencies appreciate. She called on the human rights community to integrate women's property rights into all aspects of human rights work. Community interventions, such as the watchdog groups, ought to be replicated and scaled up. Women should receive direct economic support to purchase land. Efforts were also needed to create alliances – a movement – across national boundaries.

Q&A

The group discussed what some of the challenges were to starting the community work. Shivutse recounted, "It was like stepping on people's toes! Human rights violations mean institutions are not doing what they should." The group's first step was to talk to the range of people affected or involved, then conduct a feedback meeting to report back. The provincial administration learned it was ineffective and was eager to change that impression. It became evident that the paralegals knew more than the chiefs and that the group had to learn to work better with chiefs in order to ensure their engagement. Duvvury noted that finding productive ways of working with chiefs was vital in community experiences around the world. It's another way of doing human rights work: finding ways to enable officials to do their duty, rather than confining strategies to naming and shaming.

The group discussed women's access to land in contexts where there is a larger land struggle. Duvvury noted that this was playing out differently in different world regions, where land rights movements emerged for different reasons. But she highlighted that land redistribution doesn't improve women's living conditions unless women actually hold it.