

MENDING THE GAP BETWEEN LAW AND PRACTICE

Organizational Approaches for Women's Property Rights

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Growing awareness of and policy attention to women's property rights has resulted in increasingly progressive statutory laws that promote and protect these rights. But too often, the gap between statutory law and actual practice looms large. Women face serious challenges in fulfilling their rights when the law conflicts with social norms, the law is poorly implemented, or larger social and economic dynamics restrict women from using the law to claim their rights.

Legal and policy reforms are not enough for women to fully realize their rights to own and use property. Reconciling entrenched social norms with national laws requires change at the community level, where the needs and benefits are most easily seen and addressed. Worldwide, community-based initiatives are attempting to identify and eliminate the factors that prevent women from fulfilling their rights. These factors include a lack of legal knowledge on statutory rights among women and communities, women's limited resources and documentation, crises that exacerbate women's insecure property rights, interpretation of customary and religious laws that in practice overrule statutory protections, and economic and demographic changes that affect land tenure.

The International Center for Research on Women (ICRW) conducted a global scan of grassroots programs that are mending the gap between law and practice. The scan maps efforts by nongovernmental organizations (NGO) and international nongovernmental organizations (INGO) that are working on women's property rights,

and explores approaches that are addressing the gap between law and practice, organizational structures and entry points to women's property rights, and key lessons for sustaining and scaling up efforts.

While most efforts remain fragmented with little exchange of experience, the scan results suggest promising strategies for strengthening women's property rights and forming a more integrated, effective response. These strategies include strengthening network models and approaches, facilitating cross-country learning, investing in program documentation and monitoring and evaluation, and conducting more research to improve our understanding of global processes.

WHAT WORKS

No one organization or single approach can address the multiple causes and consequences of women's insecure property rights. Organizations often engage entire communities (women, local leaders, communities, local program administrators, judicial officials, policy-makers and media) through multiple approaches (awareness raising, capacity building, research and advocacy).

ENGAGING COMMUNITIES

The complex landscape of property and inheritance practices is country and culture specific. Most organizations reported that the persistence of deeply rooted, discriminatory social norms and practices was the biggest challenge to women's realization of their



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METHODOLOGY

Findings from ICRW's global scan of programs are based on survey responses from a sample of nongovernmental organizations (NGO) and international nongovernmental organizations (INGO). The majority of NGOs were from sub-Saharan Africa with additional organizations based in Asia.

INGOs were selected using criteria that focused on organizations working on women's property rights at a grassroots level or in partnership with grassroots organizations. The INGO sample excluded government agencies, international finance institutions, U.N. agencies, bilateral agencies and organizations that engage in research or advocacy.

ICRW identified 105 NGOs and 57 INGOs as potential organizations for the sample. These organizations were initially contacted by e-mail and followed up with phone calls. Some calls became referrals to other organizations engaged in similar activities within and without the region. Those organizations that did not engage in women's property rights were dropped from the sample. Other organizations also were eliminated because of language constraints and time differences.

From the 105 NGOs initially contacted, 60 organizations expressed interest in being surveyed. Out of those 60 organizations surveyed, 18 (28 percent) responded to the questionnaire; 13 (70 percent) of those responded fully. Another 17 (28 percent) replied with information on activities or confirmed the information ICRW had gathered but did not complete the survey. The global scan analysis is

based on information from these 35 organizations, or 58 percent of the original sample.

Among the 57 INGOs identified, 42 expressed interest in the survey and 23 (55 percent) responded to the questionnaire either fully or partially. The INGOs reviewed in the scan have different mechanisms to conduct work on the ground. Some have in-country offices to carry out regional work. Others have a more centralized structure with one base office and partnerships with other organizations to undertake in-country work. For the purpose of this study, Asia Foundation is considered one organization, though three of its offices responded to the survey. Oxfam Great Britain and Oxfam America are analyzed separately. With these adjustments, INGO responses totaled 21.

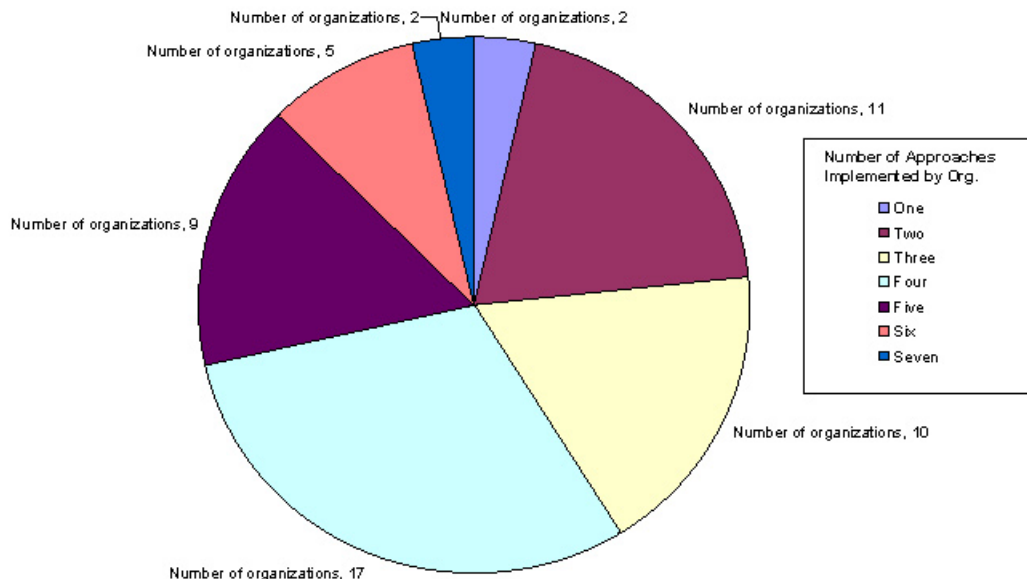
The survey questionnaire included four key domains: (1) organizational structure including mission, target groups and partners; (2) approaches employed; (3) achievements and challenges; and (4) best practice and future plans. The approaches are categorized as the following: awareness raising, capacity building, legal assistance, strategic litigation or tribunals, policy/legal advocacy, monitoring and compliance, research, service referral/information clearinghouse, social movement/collective mobilization, and other.

property rights. Organizations frequently cited strong resistance among traditional leaders and men as well as the difficulty of engaging government officials both at the local and national level.

Consequently, successful organizational approaches use participatory strategies to build on an understanding of communities' specific experiences around women's property rights. This process allows communities to examine social norms and customs, and provides organizations with information that they can use to design programs based on the community's realities and needs. The Centre for Rights Education and Awareness

(CREAW), an NGO in Kenya with a mission to enhance women's access to basic human rights, is an example of how to successfully use participatory strategies. While conducting awareness-raising activities to inform women of their legal rights to property, CREAW discovered that cultural attitudes reinforced by the practice of bride price introduced a major barrier to women. Communities saw women as property, not owners of property. In response, CREAW launched community forums and worked with traditional leaders to explore and modify cultural attitudes about bride price, with the central message, "Even if bride price is paid, a woman is not property."

FIGURE 1: ORGANIZATIONAL APPROACHES TO MEND THE GAP BETWEEN LAW AND PRACTICE



IMPLEMENTING MULTIPLE APPROACHES

Generally, organizations implement several complementary approaches to address different aspects of women’s property rights (see figure 1). Among the organizations surveyed, the majority combined four or more approaches. The program scan found that a minimum set of approaches is necessary to effectively mend the gap between law and practice. This set includes raising awareness, building capacity, policy advocacy and research. As seen in Figure 2, these four approaches were the most commonly adopted among organizations surveyed.

Each approach serves a vital purpose. Awareness-raising activities educate women and their communities of legal rights and issues surrounding property. Capacity-building programs equip women with tools to exercise, secure and defend their rights.

Many organizations also influence formal legal and policy frameworks to address gaps in the law or push for implementation. According to one INGO source, organizations often are more inclined to undertake advocacy to influence statutory law because it yields high profile and visible impacts, and attracts the attention of donors.

Research is another important approach that complements awareness raising, capacity building and policy advocacy. Evidence is crucial to making the case for securing women’s property rights and improving the knowledge of key stakeholders so they can act meaningfully. However, few organizations engage in research to systematically document or monitor and evaluate the impact of programs. In fact, only four NGOs and one

INGO reported some form of documentation, monitoring and evaluation of their activities.

HOW ORGANIZATIONS ADDRESS FACTORS THAT WIDEN THE GAP

Property and inheritance practices are country and culture specific. At the same time, several common factors widen the gap between law and practice. Studies show, and ICRW’s program scan confirmed, that these factors range from the pervasive lack of awareness about statutory laws among women and their communities to broad economic and demographic forces that limit women from realizing their rights. ICRW’s scan assessed how organizations address these common factors.

LACK OF LEGAL KNOWLEDGE AMONG WOMEN AND COMMUNITIES

Women often are unaware of their statutory rights to property or their knowledge is incomplete. Low literacy and education levels among women compound their lack of knowledge. Generally, governments invest little to spread legal awareness among the poor. When written information is available, it usually is inaccessible or unavailable in appropriate formats. Moreover, legal terminology and its inherent complexities make laws incomprehensible to women (and men) regardless of whether they have a basic education.

Key stakeholders, decision makers, administrators and law enforcement officers, too, lack information about women’s rights under the law. This is especially true at the local level where women’s property rights are most frequently mediated. Local governments lack the

capacity and/or the will to disseminate information and enforce statutory law. This lack of capacity also includes technical oversight (e.g., a failure to provide space for two names on land registration forms and misleading wording on tax collection forms).

RAISING AWARENESS

A majority of organizations educate women on their legal rights through various mechanisms, including workshops, publications and the media (see Figure 3). The International Land Coalition’s (ILC) Women’s Resource Access Program (WRAP) uses participatory tools to listen to and document the opinions of poor, rural women on issues of secure land and resources. ILC has implemented its WRAP methodology in Cambodia, India, Indonesia, Kenya, Nepal and Uganda and found this approach benefits women by raising awareness of their land rights and giving them confidence to act on these rights. Rural Development Institution (RDI) and Oxfam America do similar work in Angola and Mozambique, respectively, to educate women and local partner organizations on land rights and laws.

Many organizations make a substantial effort to improve knowledge of statutory laws among communities and people who have formal and informal authority to make, interpret and enforce laws and resolve conflicts. Global Rights: Partners for Justice has ongoing projects in Burundi and India targeted toward legal service providers to increase their awareness of women’s property rights. Asia Foundation in East Timor also has worked to raise awareness among communities and leaders to ensure women’s access to justice, including property

rights. International Association of Women Judges (IAWJ) works in South America, Central America, East Africa and southern Africa to educate judges, lawmakers, law enforcement officers, lawyers and social workers on issues of gender and human rights laws.

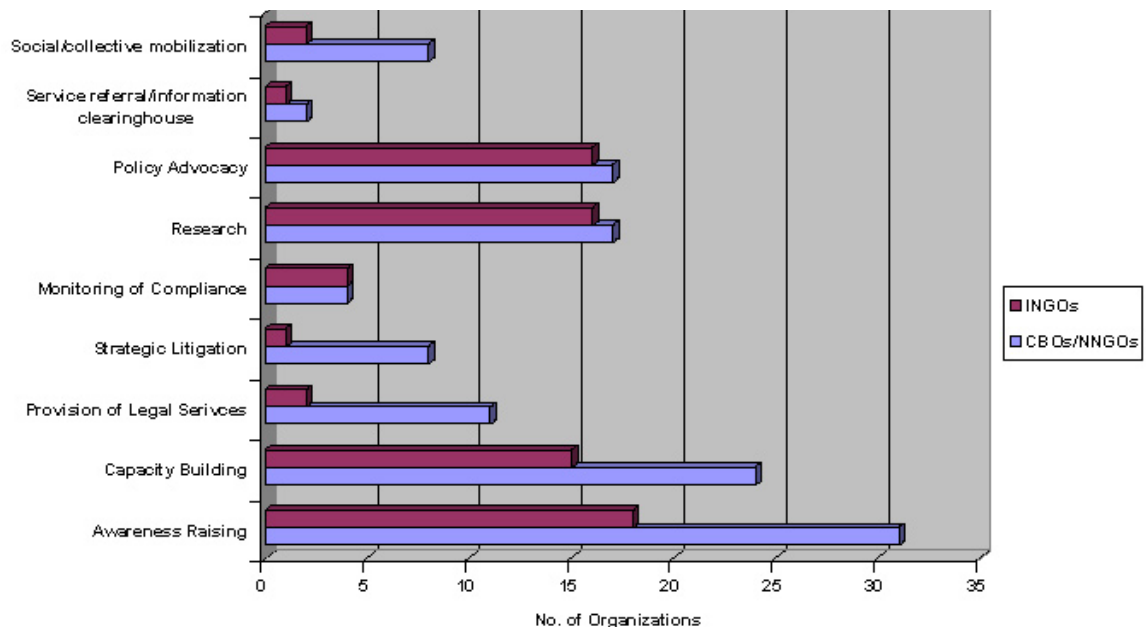
Women’s representation in decision-making bodies could have a tremendous impact on women’s ability to access information and services to protect property rights. However, men are more likely to occupy positions of authority, and social norms and institutions often reinforce male power, which result in decisions that favor the reassertion of men’s control over assets. IAWJ supports efforts to enhance women’s political leadership, but this approach is not widely implemented among the organizations in ICRW’s program scan.

While organizations make concerted efforts to engage male community leaders, the scan found that little effort is made to reach men in their roles as husbands and household decision makers. This remains a challenge for most programs.

BUILDING CAPACITY

Organizations also work to equip women with tools to exercise, secure and defend their rights through capacity-building programs. Huairou Commission, an INGO, and Grassroots Organizations Operating Together in Sisterhood, Kenya (GROOTS), an NGO, bring women together in workshops or peer exchange forums to increase their capacity to advocate for their rights. Hlhomelikusasa in South Africa provides public education to women on their legal rights regarding marriage and

FIGURE 2: NUMBER OF APPROACHES IMPLEMENTED BY ORGANIZATION



inheritance and trains women to draft wills through its “Skills for the Future” program. The Justice for Widows and Orphans Project (JWOP), a network of NGOs in Zambia, establishes community-level support and advice groups among women and trains them on property laws and writing wills. In Zimbabwe, Ntengwe for Community Development engages women and girls in drama activities that address property and inheritance rights.

LIMITED RESOURCES AND DOCUMENTATION

Women do not usually possess the necessary resources or documents to access the formal justice system or buy land. Tenure reforms that promote individualization of land rights are heralded as opportunities for women to obtain land, but poor women almost never have access to financial resources that enable them to purchase land. Gender discrimination also hinders women’s attempts to access formal credit, including requirements for their husbands to co-sign loans. Low-income women often are marginalized into the urban slums when they attempt to acquire housing.

In many developing countries, formal justice systems are remote, complex, costly and exceedingly slow. Corruption is oftentimes rampant, adding to the costs and compromising impartiality. In addition to these barriers, women may lack identification documents, such as birth certificates and identity cards, effectively barring them from registering land or housing in their names (or even jointly with their husbands), and from taking out a loan.

PROVIDING LEGAL AND FINANCIAL ASSISTANCE

Organizations with access to legal expertise provide free or low-cost legal aid, strategic litigation and monitor compliance. Eleven of the NGOs surveyed assist women in securing their legal rights, including property and inheritance rights. Among INGOs, only Asia Foundation provides direct legal services. Between 2003 and 2006, women with land and/or property claims made up 27 percent of its clients in East Timor. Asia Foundation’s office in Nepal worked with partners to advocate for a reduction in the fee women pay when they register immovable assets.

Other organizations provide legal support and services by training community members as paralegals. CREAW trains paralegals and provides legal assistance in addition to other activities that raise awareness among women, communities, and leaders and administrators of law. In Zimbabwe, Women and Law in Southern Africa

Research and Education Trust’s (WLSA) work on inheritance rights includes research to inform its advocacy work to amend the administration of estate laws, training for community-based paralegals on inheritance laws, and participation in a nationwide will-writing and inheritance campaign.

Facilitating the process of acquiring necessary legal documents is crucial to helping women realize their property rights. For example, when Centro Flora Tristan in Peru began its work on land titling, the lack of identification among women emerged as an underlying barrier to acquiring a land title. To address this problem, Centro Flora Tristan started an advocacy campaign with other institutions and social organizations to promote women’s rights to identity documents. The NGO also established citizen kiosks in local neighborhoods to enable women to easily access information on legal provisions and how to obtain identity documents.

Other efforts to acquire legal documents focus on promoting registration of marriage, ensuring issue of death certificates, oral and holographic wills and memory books. Memory books are being widely promoted by Rwanda Women’s Network (RWN), GROOTS Kenya and Young Widows Advancement Program (YWAP). Among INGOs, American Jewish World Services (AJWS) funds grassroots organizations that work on issuing birth registrations to women.

Some organizations provide services to address the economic vulnerabilities of women. Estrategia, Center of Investigation and Action for Urban Development in Peru, trains and employs women in making and selling building materials and prefabricated components for new houses. Social and Economic Rights Action Center (SERAC), an NGO in Nigeria, mobilizes female-headed households to defend their housing rights and provides microcredit services to help them recover from forced evictions. Only a few organizations reported working on the discriminatory practices of credit institutions that effectively restrict women from accessing the necessary financial resources to acquire land and housing.

CRISES, CONFLICTS AND NATURAL DISASTERS

Crises can exacerbate women’s unequal access to property. In the HIV pandemic, widows and orphans are commonly dispossessed and disinherited. The formal justice system is rarely an option for HIV-positive widows

because of a lack of resources or compromised health. Where land and housing are high value assets, in-laws often use customary norms of patrilineage rights to land to override widows' and daughters' claims, especially when no will to the contrary exists.

Civil conflict and natural disasters often devastate the social fabric, rule of law and economic structure of countries. In such cases, property grabbing can be rife due to the breakdown of the rule of law and community structures that provided social protection to widows and orphans. Moreover, evidence of property rights often is destroyed, whether in the form of physical markers or written documentation. While both men and women suffer tremendous losses during conflict and disaster, including property losses, women and girls are particularly challenged when it comes to reasserting their land and housing claims. Discriminatory norms against women's independent rights to property or accessing credit, their lack of identity documents and resources, and the fact that land often was registered in the name of a (now deceased) male relative—compound these situations.

IDENTIFYING AND ADDRESSING WOMEN'S NEEDS

Organizations surveyed in eastern and southern Africa focus on the AIDS epidemic and how it affects women's property rights on the ground. These organizations, regardless of mission, work directly or indirectly on HIV and AIDS, and include women's property rights as a component of that work. WLSA is collaborating with an HIV/AIDS NGO and conducts legal awareness programs on *inter alia* inheritance rights. Women's Land and Water Rights in Southern Africa (WLWRSA) carries out policy research on women's property rights in the context of HIV, The Centre for Land, Economy and Rights of Women (CLEAR) conducts research on the links between HIV, poverty and women's land rights. Among INGOs, Constella Futures and Human Rights Watch have seen women's property rights emerge as a key issue through HIV/AIDS work in the region.

Fewer organizations work on property rights in the context of conflict or shocks such as natural disasters. For organizations that work in conflict or post-conflict situations, such as EMACE in Sri Lanka, LIMPAL in Colombia and Rwanda Women's Network (RWN), recovering women's housing and land rights constitutes a major issue, on par with their work on violence and rape.

Natural disasters are devastating to the social and economic structure of countries, with potentially more devastating impacts on women. Following the tsunami, Centre for Policy Alternatives (CPA) in Sri Lanka researched repercussions of the tsunami for landlessness and homelessness, noting the specific challenges for women. CWLR India also conducted action research, including interviews with landless women, unorganized sector women, tsunami survivors and women from different communities on their experiences securing land and resource rights. This research was used to develop and publicize case studies and develop an agenda with recommendations on securing women's resource rights.

CUSTOMARY AND RELIGIOUS LAWS

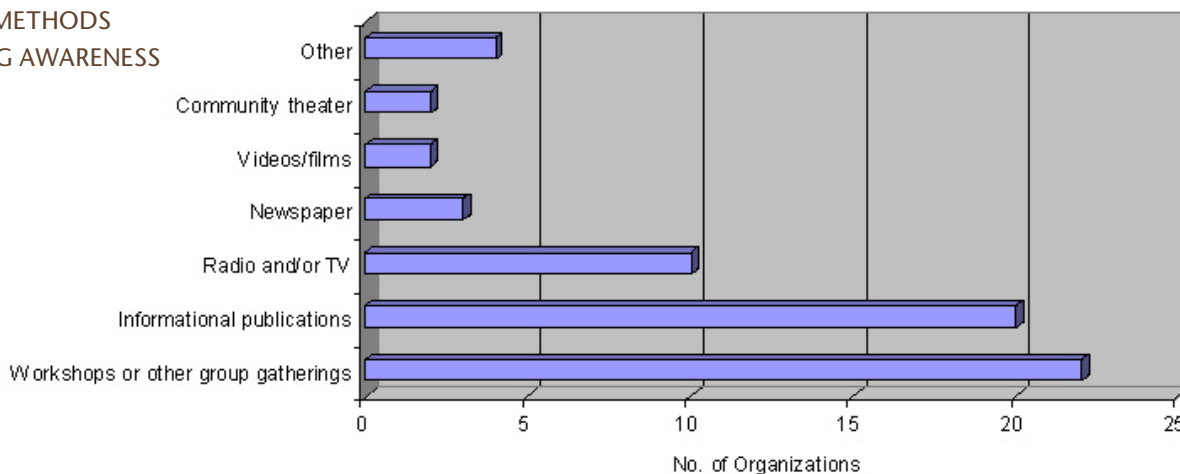
In many countries, customary and religious laws co-exist with statutory laws, producing a complex system of legal pluralism. Customary law is a major source of rules governing property rights and relations in sub-Saharan Africa and the Pacific, in parts of Asia, and among indigenous communities in Latin America. These laws are typically mediated at the community level and usually are patrilineal.¹ Customary law is dynamic and has evolved over time in response to social, cultural and demographic changes. Whether this bodes well for women's rights depends on the nature of the changes.

Religious laws also shape women's realization of inheritance and property rights. For example, in Arab countries and Islamic states in Asia and Africa, Shariah law ascribes women's inheritance rights equal to half that of men in the same inheritance position. Unlike customary law, Shariah is widely codified in statutory law.

EDUCATING COMMUNITIES AND CHANGING SOCIAL NORMS

Studies show that despite the patriarchal nature of customary and religious laws, these informal systems are better options for women to seek justice because of their low cost, accessibility, familiarity and social acceptance. Yet only a few organizations focus exclusively on reshaping customary law and social norms, especially in ways that promote women's rights. Specifically, Land and Equity Movement Uganda (LEMU) and GROOTS, Kenya, probe the history of customary law in an attempt to revive traditions where women's rights were strongly held and protected. A few organizations mend the gap by adopting a pluralistic approach that

FIGURE 3: METHODS FOR RAISING AWARENESS



educates women not only in statutory law but also customary and religious laws. For example, EMACE in Sri Lanka educates women in Theswalam, Kandian and Islamic personal laws.

Most organizations that address customary and religious laws focus attention on changing the norms and attitudes of local leaders and administrators so that laws are enforced and applied in women’s favor. Transkei Land Service Organization (TRALSO) in South Africa and LEMU exclusively focus on changing local customs and norms. LEMU attempts to revive earlier traditions of customary law that ensured women’s rights to land and men’s obligation to protect women’s welfare. Judy Adoko of LEMU explains, “We tackle the problems of women from a structural angle, recognizing where power lies.”

ECONOMIC AND DEMOGRAPHIC CHANGES

Broad economic and demographic changes throughout Africa and South Asia have affected land tenure relations, often limiting women’s access to and ownership of property. Rising land values, resulting from increased commercialization and privatization, affect men and women differently, particularly where gender bias hampers women’s ability to own or purchase land. Moreover, gender-biased land reforms further disenfranchise women.

ADVOCATING FOR WOMEN’S RIGHTS IN POLICY

The differential impact of changes in tenure relations on men and women goes unnoticed and hence unaddressed. Among the organizations surveyed, CLEAR was

the only one that advocated with policy-makers on how trade policy discussions affect women’s land rights and food security. CLEAR also chairs a group that advocated the Kenyan parliament on the land policy formation process to ensure women’s property rights were articulated in draft proposals.

In countries undergoing land and agrarian reforms, organizations work in various capacities to ensure gender equitable policies in land redistribution. In South Africa, the land reform gender policy affirms women’s equal participation in and benefits from the program. Yet opportunities to gain access to land via redistribution were undermined when the focus shifted from the poor toward farmers with commercial agriculture potential. The gender policy was further undermined by the passage of the Communal Land Right Act (CLRA) of 2004, which granted traditional councils the authority to administer communal land in the former Bantustans.

In response to this changing policy environment in South Africa, TRALSO launched a public awareness campaign on CLRA. The campaign included meetings with communities affected by the act, particularly traditional leadership and women, to raise their awareness of its provisions and potential implications for women’s land rights. TRALSO also conducted information dissemination sessions where affected communities engaged with government officials from the Department of Land Affairs.

THE WAY FORWARD

Securing women’s property rights is now widely recognized as a strategic priority to promote gender equality and women’s empowerment. As countries move toward more progressive statutory legal frameworks to

ORGANIZATIONAL STRUCTURE AND ENTRY POINTS

ICRW’s global scan examined the structure of organizations and the entry points through which organizations address women’s property rights. These elements are fundamental to defining what approaches organizations implement as well as the scale and reach of activities. Understanding these structural elements can also suggest how to integrate efforts into a more effective and cohesive response.

ORGANIZATIONAL STRUCTURE

The traditional NGO model is the most common structure among both NGOs and INGOs surveyed. This model is defined as an organization that is governed by a board of directors and managed by an executive director, primarily is service oriented, undertakes advocacy efforts, and has paid staff and sometimes volunteers to provide services to clients.

An effective response to property rights requires multisectoral expertise and systemic collaboration. Consequently, the traditional NGO model can inadvertently fragment the response to property rights. Traditional NGOs are often narrowly focused on a single cause, for example, HIV or women’s rights. When these organizations attempt to address the varied and complex causes and consequences of women’s insecure property rights, they tend to

work in isolation from other organizations or stretch limited human and financial resources.

Several organizations surveyed are involved in a network or partnership model, where member organizations collaboratively address specific aspects of property rights. Activities are carried out primarily by collaborating organizations, typically with the facilitation of a coordinating organization. Organizations within the network also benefit from the exchange of information and experiences.

This model allows organizations to engage in the widest set of activities with the widest reach. Examples of networks include Association of Strong Women Alone/ASTHA in India, and two groups in Kenya: Centre for Rights Education and Awareness (CREAW) and Grassroots Organizations Operating Together in Sisterhood Kenya (GROOTS); and at the international level, Asia Foundation and Women and Law in Southern Africa Research and Education Trust (WLSA). By leveraging the power of networks, these groups are able to implement six or more integrated approaches.

ENTRY POINTS TO WOMEN’S PROPERTY RIGHTS

Entry points shape how women’s property rights are integrated into an organization’s work. For many

TABLE 1 Entry Points for Organizations Addressing Women’s Property and Inheritance Rights

ENTRY POINTS	INGOs	NGOs
1. Women’s property and inheritance rights	2	4
2. Women’s human/legal rights	4	15
3. Rights to natural resources (mainly rural)	1	3
3a. Right to Land	2	0
4. Food security/nutrition/hunger eradication	3	0
5. Right to housing (mainly urban)	1	2
6. Human/legal rights in general	4	5
7. Gender equality/women’s development/empowerment	6	4
8. Poverty reduction/development/empowerment in general	6	3
9. HIV/AIDS	1	3
10. Other	0	2

organizations in the scan, women’s property rights often are addressed as part of broader human rights, poverty reduction and women’s empowerment issues (see Table 1).

The most common entry points for INGOs¹ are women’s development and gender equality as well as poverty reduction. For example, Huairou Commission works closely with grassroots women worldwide to strengthen and create sustainable communities. Within its women’s development and equality mission, Huairou has an exclusive campaign on land and housing, which focuses on women’s property rights. Other INGOs with a focus on poverty reduction and development, such as IFPRI, Oxfam America and Oxfam Great Britain, approach

women’s property rights as both rights and economic issues.

The extent to which organizations can comprehensively address women’s property rights depends on how well gender is mainstreamed into their work. For example, NGOs that are focused on land and/or housing rights often lack a gendered perspective. This is slowly changing as gender emerges as a crucial issue in land programs, particularly in African countries undergoing major reforms (e.g., Kenya, South Africa and Tanzania). In contrast, INGOs that work on land and housing rights – such as Centre on Housing Rights and Evictions (COHRE) and International Land Coalition (ILC) – seem to have a strong gender focus.

¹ The majority of INGOs surveyed (17) are based in a developed country. Of these, four are based in Europe (Widows Rights International, ILC, COHRE, and OXFAM GB) and the remaining 13 are based in the U.S. While some INGOs have country offices that enable them to do work in country office/local partner collaboration, most rely on local partnerships. This also is true for INGOs based in a developing country, for example, Africa-based WLSA, WLWRS and CLEAR work with local partners in the field.

ensure women their rights to property, organizations at all levels—local, national and international—are undertaking various approaches to narrow the gap between law and practice.

These innovative efforts are having an impact and give a new urgency to what the international development community must do to take these efforts to the next level. Although results of the global scan show the promise of successful strategies, approaches are narrowly focused on specific communities or localities, often fragmented with little exchange of experience between local efforts, and lack the necessary coordination and monitoring that can form a more integrated, effective response. By harmonizing community efforts through improved collaboration, organizations can overcome some of the challenges that come from changing entrenched discriminatory norms with limited resources.

Specific recommendations for the international development community and donors include:

- **Strengthen network models to increase effectiveness.** Given the multiple factors that need to be addressed to promote women’s property and inheritance rights, organizations need to coordinate services and efforts to enable women to realize their

rights. However, networks face great challenges in generating resources given the dominance of the sectoral funding among donors.

- **Facilitate cross-country learning to share experiences, strategies and innovative approaches.** Successful efforts promoting South-to-South learning, such as the Grassroots Academy of the Huairou Commission demonstrate the effectiveness of peer exchanges.
- **Invest in program documentation and monitoring and evaluation.** The program scan found that few organizations are able to rigorously establish the impact of their work and thus identify “what works.”
- **Improve understanding of global processes.** More research is needed to establish the impacts of macro issues such as trade policies, globalization, increasing privatization of land, and agrarian reforms on households and women’s property rights. These global processes can, in fact, undermine community-level efforts to promote women’s property rights. Currently, there is little dialogue between organizations engaged in research and advocacy on these global issues and those involved in promoting women’s property rights.

Case Study

A MULTIFACETED, COMPREHENSIVE APPROACH TO WOMEN'S PROPERTY RIGHTS

Integrated approaches are crucial to addressing the range of factors that influence the gap between law and practice. One project was heralded by the U.S. President's Emergency Plan for AIDS Relief (PEPFAR) as a best practice for a multifaceted, comprehensive approach to women's property rights that included research, awareness raising, capacity building, policy advocacy, and rigorous monitoring and evaluation.

Constella Futures, an INGO that specializes in the design and implementation of public health and social programs in developing countries, used a partnership model that networked national and grassroots organizations ranging from human rights, women, people living with HIV, community leaders, educators and the media. The project was implemented in the Nyanza Province of Kenya, where the high prevalence of HIV has compounded problems related to women's property and inheritance rights.

The project began with research to identify the issues that prevented women from realizing their legal rights to property and inheritance. Findings revealed that legal and policy frameworks largely protected women's equal rights to property and inheritance but were not accessible to those who needed it. The research recommended interventions that worked with cultural structures and engaged traditional leaders, particularly men, and communities to reshape customary norms.

Awareness raising and capacity-building activities that target various audiences had a broad objective of developing "community-grown" solutions. The project used a "cascade" model (also known as "training of trainers"). Workshops were conducted

for participants from 18 local partner organizations. Activities included exercises to mobilize widows; educate key stakeholders including women, provincial administrators, community members and other organizations; and document results. These tools, and their impact, then "multiplied" as participants shared their newfound knowledge and training with partner organizations.

Through its monitoring and evaluation activities, Constella Futures was able to assess the projects results and impact, which include:

- Increased access to information and women's enhanced knowledge on their property ownership and inheritance rights;
- Improved ability of the women to take action against intents aimed at denying them access and ownership of property;
- Increased demand by women of their entitlements at family and community levels;
- Raised awareness among decision makers, particularly traditional decision making structures and formal structures, of issues of women's property ownership and inheritance rights;
- Secured commitments from community-based groups, nongovernmental organizations, provincial administration and traditional leaders to assist women who have been disenfranchised in seeking justice; and
- Increased number of women accessing justice through formal as well as informal structures and gaining access and control over property.

PARTICIPATING ORGANIZATIONS

NONGOVERNMENTAL ORGANIZATIONS (NGOS)

AFRICA

Africa Institutional Services (AIMS)
Namibia

BAOBAB for Women's Human Rights
Nigeria

Centre for Rights Education and Awareness (CREAW) *Kenya*

Collaborative Centre for Gender and Development (CCGD) *Kenya*

Community law Centre (CLC)
South Africa

Education Centre for Women and Democracy (ECWD) *Kenya*

Environmental, Human Rights, Care and Gender Organisation (Enviro-care) *Tanzania*

Federation of Women Lawyers (FIDA) *Kenya*

Gender Studies and Outreach Unit at Chancellor College

Grassroots Organisations Operating Together in Sisterhood (GROOTS)
Kenya

Hlomelikusasa: "Skills for the Future"
South Africa

International Commission of Jurists (ICJ) *Kenya*

Justice for Widow and Orphans Project (JWOP) *Zambia*

Kenya AIDS NGOs Consortium (KANCO) *Kenya*

Kenya Land Alliance *Kenya*

Land Access Movement of South Africa (LAMOSA) *South Africa*

Land and Equity Movement (LEMU)
Uganda

Legal Assistance Centre (LAC)
Namibia

Legal and Human Rights Centre (LHRC) *Tanzania*

Legal Resource Centre *South Africa*

National Agricultural Advisory Services (NAADS) *Uganda*

Nkhomano Center for Development
Malawi

Ntengwe for Community Development Trust *Zimbabwe*

Rural Women's Movement of KwaZulu-Natal *South Africa*

Rwanda Women's Network *Rwanda*

Socio-Economic Rights Initiative (SERI) *Nigeria*

Social and Economic Rights Action Centre (SERAC) *Nigeria*

Tanzania Women Lawyers Association (TAWLA) *Tanzania*

The AIDS Support Organisation (TASO) *Uganda*

Transkei Land Service Organization (TRALSO) *South Africa*

Uganda Land Alliance *Uganda*

Widows' Development Organisation (WiDO) *Nigeria*

Women Advancement Trust (WAT) – Human Settlements Trust *Tanzania*

Women Legal Aid Centre (WLAC)
Tanzania

Women's Legal Centre (WLC)
South Africa

Women of Purpose *Uganda*

Women's Voice *Malawi*

Young Widows Advancement Program (YWAP) *Kenya*

ASIA

Ain O Shalish Kendro (ASK)
Bangladesh

Association of Strong Women Alone / ASTHA *India*

Bangladesh Legal Aid Services Trust (BLAST) *Bangladesh*

Centre for Development Services (CDS) *Bangladesh*

Centre for Policy Alternatives (CPA)
Sri Lanka

Consult for Women and Land Rights (CWLR) / Sathi for All Partnerships
India

EMACE *Sri Lanka*

Forum for Women, Law and Development (FWLD) *Nepal*

Khan Foundation *Bangladesh*

Legal Aid and Consultancy Center (LACC) *Nepal*

Maduripur Legal Aid Association (MLAA) *Bangladesh*

Nagorik Uddyog *Bangladesh*

Society for the Promotion of Area Resource Centres (SPARC) *India*

PARTICIPATING ORGANIZATIONS

Vehilihini Development Centre
Sri Lanka

Women in Need (WIN) *Sri Lanka*

LATIN AMERICA AND CARIBBEAN

Centro de la Mujer Peruana Flora
Tristán (Flora Tristan Center for
Peruvian Women) *Peru*

Centro Regional de Derechos
Humanos y Justicia de Género –
a.k.a. Humanas (Regional Center for
Human Rights and Gender Justice)
Chile

Construction Resource and
Development Centre (CRDC)
Jamaica

Estrategia – Mujeres Unidas para una
Comunidad Mejor *Peru*

Liga Internacional de Mujeres por
la Paz y la Libertad - LIMPAL
(International League of Women for
Peace and Freedom) *Colombia*

MIDDLE EAST AND NORTH AFRICA

AMDF- Association Marocaine pour
les Droits des Femmes – (Moroccan
Association for Women's Rights)
Morocco

FAMA (Centre Fama pour
l'Orientation Juridique sur les Droits
des Femmes) *Morocco*

L'Association Démocratique des
Femmes Du Maroc (Democratic
Association of Moroccan Women)
Morocco

INTERNATIONAL NONGOVERNMENTAL ORGANIZATIONS (INGOs)

African Women's Development and
Communications Network (FEMNET)

American Jewish World Service

Asia Foundation

Centre on Housing Rights and
Evictions (COHRE)

Constella Futures – Health Policy
Initiative

Equality Now

Estrategia, Center of Investigation
and Action for Urban Development
(Peru)

Global Justice Center

Global Rights: Partners for Justice

Huairou Commission

Human Rights Watch (HRW)

International Association of Women
Judges (IAWJ)

International Food Policy Research
Institute (IFPRI)

International Land Coalition (ILC)

Just Associates (JASS)

Oxfam America

Oxfam Great Britain

Rural Development Institution (RDI)

The Centre for Land, Economy and
Rights of Women (CLEAR)

Widows Rights International (WRI)

Women and Law in Southern Africa
Research and Education Trust
(WLSA)

Women's Land and Water Rights in
Southern Africa (WLWRSA)