

PROPERTY OWNERSHIP FOR WOMEN ENRICHES, EMPOWERS AND PROTECTS

*Toward Achieving the Third Millennium Development Goal
to Promote Gender Equality and Empower Women*

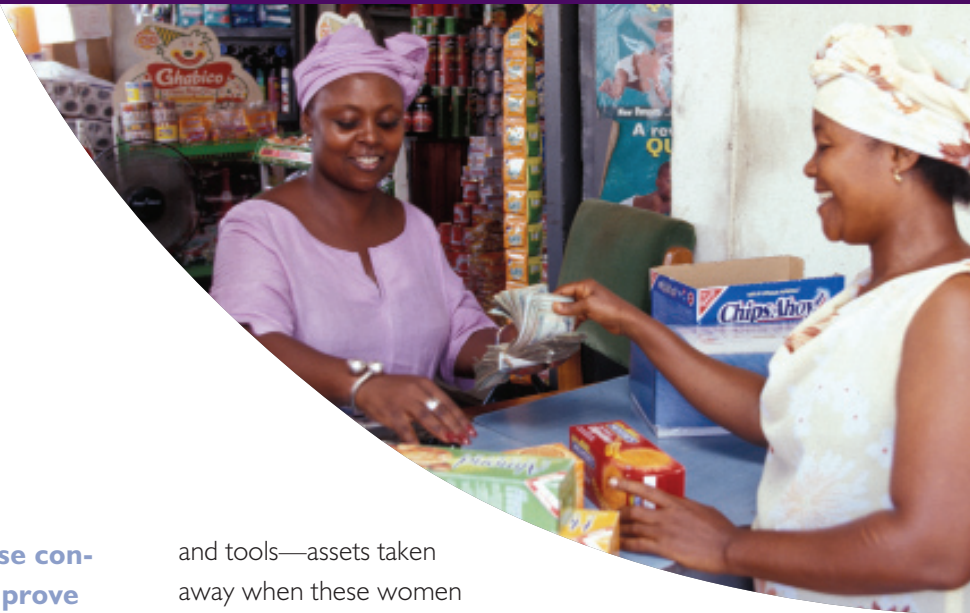


It is widely recognized **that if women are to improve their lives and escape poverty, they need the appropriate skills and tools to do so.** Yet women in many countries are far less likely than men to own property and otherwise control assets—key tools to gaining economic security and earning higher incomes.

Women's lack of property ownership is important because it contributes to women's low social status and their vulnerability to poverty. It also increasingly is linked to development-related problems, including HIV and AIDS, hunger, urbanization, migration, and domestic violence. Women who do not own property are far less likely to take economic risks and realize their full economic potential.

The international community and policymakers increasingly are aware that guaranteeing women's property and inheritance rights must be part of any development agenda. But no single global blueprint can address the complex landscape of property and inheritance practices—practices that are country- and culture-specific.

For international development efforts to succeed—be they focused on reducing poverty broadly or empowering women purposely—women need effective land and housing rights as well as equal access to credit, technical information and other inputs.



ENRICH, EMPOWER, PROTECT

Women who own property or otherwise control assets are better positioned to improve their lives and cope should they experience crisis.

By owning their home and land, women directly gain from such benefits as use of the land and higher incomes as well as having a secure place to live (Agarwal 2002). Research has found that individuals who own land generate much higher rural nonfarm earnings from self-employment than people without land (Chadha 1992). Women also can use a house or land as collateral for credit during a financial crisis or to invest in a small business or other income-generating venture.

Asset control also can give women greater bargaining power within households and help protect against the risk of domestic violence. Research in Kerala, India, found that 49 percent of women with no property reported physical violence compared to only 7 percent of women who did own property (Panda 2002).

Moreover, women's lack of property ownership can have particularly grave consequences in areas where HIV/AIDS and hunger are prevalent. Women who are less secure economically and more dependent on men who control property and assets may be more vulnerable to HIV infection. These women also are less able to cope with the disease and its impacts if they or their family members become infected (Drimie 2002; FAO 2003). In sub-Saharan Africa, many women farm independently but normally gain access to land via their spouses. A husband's death because of AIDS often means the loss of land, house

and tools—assets taken away when these women and their children need them most.

In areas suffering hunger and chronic undernutrition, women often are the main food growers. Rural women are responsible for half of the world's food production, and in developing countries, they produce 60 percent to 80 percent of the food. Studies in countries ranging from China, Ghana, Pakistan, Thailand and Vietnam have found a clear link between secure land tenure and increased agricultural productivity and land improvements (Mason and Carlsson 2004).

OBSTACLES TO OWNERSHIP

Men and women acquire land in many ways, through property inheritance, purchases and transfers from the state (e.g., land reform programs, resettlement schemes and antipov-erty programs). Research shows that at each of these junctures, women face more obstacles than men. Whether because of male preference in inheritance practices, male privilege in marriage, gender inequality in the land market or male bias in state land redistribution programs, women are at a disadvantage (Deere and Leon 2001).

Women in many countries may have access to property and other assets through informal arrangements or traditional methods of household and communal decision making. Such practices vary greatly from country to country and community to community. In Latin America, for example, women become landowners mainly through

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inheritance while men do so through purchases in land markets. In South Asia, however, women traditionally do not own property because land is inherited through the male family line. In the Middle East and North Africa, inheritance laws and practices are based on Sharia law, which defines the shares that go to each family member: a woman's share is half that of the man's in cases of both a male and female heir. And in most parts of sub-Saharan Africa, women historically have enjoyed access rights to land and related resources through a father, brother or husband, depending on a community's lineage system.

But access is not ownership. Women's ownership or rights of use can be guaranteed only through land and property rights that relate to an enforceable claim, ensuring women's freedom to rent, bequeath or sell the property (Strickland 2004). And even in countries where women's

property rights are legally conveyed, differences in the application of the statutory and customary laws mean that women's property rights still may not be guaranteed.

MOVING FORWARD

Since 1995 there has been growing awareness and policy attention to women's property and inheritance rights. But as countries begin to enact reforms and take steps to support women's claims to property, countries must focus on identifying and eliminating the points at which discriminatory practices come into play, including complex or archaic legal systems and deep-rooted social and cultural norms. Moreover, countries need to understand how privatization of property—whether through purchase, inheritance or other means—affects men and women differently.

Assessing the Gender Asset Gap

Relatively little data exist on the magnitude of gender asset gaps within and across countries, but the gaps are thought to be substantial. The data that does exist suggest that the distribution of land by gender is extremely unequal. In Cameroon, where women do more than 75 percent of the agricultural work, it is estimated that they hold less than 10 percent of land certificates. A 2001 household survey in Pakistan found that women owned less than 3 percent of the plots, even though 67 percent of the sampled villages reported that women had a right to inherit land (Mason and Carlsson 2004).

The lack of data seriously hampers efforts to track the progress that countries are making on women's property rights. Gathering systematic evidence on the gender asset gap must be a priority.



Governmental Reforms

To have maximum impact, governmental reforms not only must change the legal structures affecting women's property rights but also support their claims to realize those rights by:

- Amending and harmonizing statutory and customary laws;
- Promoting legal literacy;
- Supporting organizations that can help women make land claims; and
- Recording women's share of land or property.

Land Titling

Land titling often is suggested as a solution to gender disparities in land rights. While it is not the only way to provide women access to land, joint titling can help to guard against capricious action by one spouse; protect against the dispossession of women through abandonment, separation or divorce; and increase women's bargaining power in household and farm decision making.

Mandatory joint titling for legally married couples provides the most secure land rights for women. However, some countries have voluntary joint titling, which while less secure, can also provide women significant benefits. To better ensure success, voluntary joint titling requires significant support, including the education of women on the issue, women's increased access to legal services, and the hiring of additional registration personnel.

Collective Approaches

Women also can support each other through different types of collective approaches to accessing land. For example:

- Women who own individual land holdings can invest with other women in capital inputs to improve the land, while managing production individually.

- Women can purchase land jointly while owning it individually and farming it collectively.
- Women can lease land and cultivate it as a group.
- Women's groups can manage and oversee cultivation of land owned by men.
- Poor rural women can hold group rights over land distributed by the government or some other means.

International Actions

At the international level, the scale and energy of efforts focused on women's property and inheritance rights have grown in recent years and deserve greater support. Specifically, the Huairou Commission, the U.N. Center for Human Settlements (UN-HABITAT), the Centre on Housing Rights and Evictions (COHRE), and the Food and Agriculture Organization (FAO) of the United Nations have begun a joint initiative in sub-Saharan Africa to strengthen advocacy for law and policy reform, including the dissemination of tools and strategies used by women's organizations in the region.



REFERENCES

- Agarwal, B. 2002.
Are We Not Peasants Too? Land Rights and Women's Claims in India. SEEDS. Number 21. Population Council, New York.
- Chadha, G. K. 1992.
Non-Farm Sector in India's Rural Economy: Policy, Performance and Growth Prospects. Delhi, India: Jawaharlal Nehru University, Center for Regional Development.
- Deere, C. D., and M. Leon. 2001.
Empowering Women: Land and Property Rights in Latin America. Pittsburgh, Penn.: University of Pittsburgh Press.
- Drimie, S. 2002.
The Impact of HIV/AIDS on Rural Households and Land Issues in Southern and Eastern Africa. Rome, Italy: Food and Agriculture Organization of the United Nations (FAO) Sub-Regional Office for Southern and Eastern Africa.
- FAO. 2003.
HIV/AIDS and Agriculture: Impacts and Responses. Rome, Italy.
- Mason, K. and H. Carlsson. 2004.
"The Impact of Gender Equality in Land Rights on Development." Paper presented at the Human Rights and Development: Towards Mutual Reinforcement conference hosted by the New York University School of Law, March 1, New York.
- Panda, P. 2002.
"Rights-Based Strategies in the Prevention of Domestic Violence." ICRW Working Paper 344. International Center for Research on Women (ICRW), Washington, D.C.
- Strickland, R. 2004.
"To Have and To Hold: Women's Property Rights in the Context of HIV/AIDS in sub-Saharan Africa." ICRW Working Paper, June. ICRW, Washington, D.C.

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