



ISSUE BRIEF: GENDER & LAND

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A GLOBAL ADVOCACY
CAMPAIGN OF

 **Habitat for Humanity**

**SOLID
GROUND**

Executive summary

Around the world, women are routinely and systematically denied equal rights to access, use, inherit, control and own land. This means that women and their children also miss out on the vast advantages that come with property rights, putting their health, safety, economic security and political rights in jeopardy. Therefore, the **Solid Ground** campaign, Habitat for Humanity's global advocacy campaign, has designated gender equality in land and property rights as one of its four pillars.

In sub-Saharan Africa, women comprise 48.7 percent of the agricultural labor force, but only 15 percent of agricultural land holders.¹ In the Middle East and North Africa the numbers are even lower, with women comprising 40 percent of agricultural labor and 5 percent of landowners.² In Latin America, the systematic denial of women's land and property rights is recognized as patrimonial violence in several Latin America constitutions.³ Globally, women's assets are seldom worth even half the value of men's assets.⁴ Unequal access to land, shelter, inheritance and credit are among the many factors driving the "feminization of poverty," a term given to the increasing gap between men and women caught in the cycle of poverty.⁵

Solid Ground's principles for gender issues in land related policies

The Solid Ground campaign has identified core principles that drive our advocacy and policy work globally in ensuring gender and women's issues are systematically incorporated into land related policies globally:

- Gender representation in land governance policies is crucial.
- As policies and laws are created, assessment of gender discrimination must be made to ensure social norms and practices are effectively overcome. Gender sensitive policies and laws must be implemented and enforced.
- Women must be represented in decision making bodies that oversee the creation of land and housing policies at all levels of government.
- Governments have a responsibility to provide information and education to citizens about their rights and promote the training and skills development with attention paid to women and vulnerable groups.
- National laws should recognize the individual and joint or collective rights of women regarding land ownership and property rights.
- Men and women should be represented equally in formal documentation regarding land

¹ Land Tenure and Women's Empowerment, USAID 2016, Fact Sheet: <https://www.land-links.org/issue-brief/fact-sheet-land-tenure-womens-empowerment/>

² Land Tenure and Women's Empowerment, USAID, Fact Sheet: <https://www.land-links.org/issue-brief/fact-sheet-land-tenure-womens-empowerment/>

³ Deere, Diana C. ; Jacqueline Contreras, Carmen ; Twyman, Jennifer (2012) Patrimonial Violence: A Study of Women's Property Rights in Ecuador; The Gender Asset Gap Project Working Paper Series: No. 10 n

⁴ Land Tenure and Women's Empowerment, USAID, Fact Sheet: <https://www.land-links.org/issue-brief/fact-sheet-land-tenure-womens-empowerment/>

⁵ Rabenhorst, Carol S. and Bean, Anjali (2011) Gender and Property Rights: A Critical Issue in Urban Economic Development. The International Housing Coalition and the Urban Institute. p. 2. *available at:* www.issuelab.org/resource/gender_and_property_rights_a_critical_issue_in_urban_economic_development

ownership.

- Evidence of the effects of gender sensitive public policies at household and community levels is required, with a focus on data collection and gender disaggregated statistics to ensure more informed policy targeting and decision making.
- Promote women's access to credit to provide women with a higher quality of life and reduce the level of poverty among women.
- Embracing women's collective efforts and savings schemes as well as creating linkages with the private sector through credit and loan provision are a powerful mechanism to empower and capacitate women.

Benefits of secure access and ownership of land for women

Safety and well-being

Secure land rights are a central factor in ensuring adequate, stable housing for women and their families. In addition to providing a healthier environment overall, secure property rights give women greater influence over household income and decision making, which has been shown to reduce household poverty and benefit the family as a whole. Children whose mothers own land are up to 33 percent less likely to be severely underweight⁶ and 10 percent less likely to be sick.⁷ Women's land ownership has also been linked to better child nutrition and better adherence to preventative care and medical care.⁸ When women in the household have land rights, the family devotes more of their budget to education⁹ and the children have higher levels of educational attainment.¹⁰ Granting secure property rights can also reduce the likelihood of child labor by 28 percent.¹¹

Access to property is one of the most important factors in protecting women from violence.¹² Improved property rights, in combination with other assets, give women the strongest position against domestic violence.¹³ Globally it is estimated that up to 70 percent of women will face gender-based violence in their lifetimes, however women who own land are up to 8 times less likely to experience domestic violence.¹⁴ Along with providing protection from domestic and

⁶ Allendorf, K. (2007). Do Women's and Rights Promote Empowerment and Child Health in Nepal. *World Development*, 35(1), 1975-1988. Chicago.

⁷ Memon, N., van der Meulen Rodgers, Y., & Ngyuyen, H. (2014). Women's Rights and Children's Human Capital in Vietnam. *World Development*, 54, 18-31.

⁸ Allendorf, K. (2007). Do women's land rights promote empowerment and child health in Nepal? *World Development*, 35(11), 1975-1988.

⁹ Doss, C. (2006). The effects of intra-household property ownership on expenditure patterns in Ghana. *Journal of African Economies*, 15(1), 149-180.

¹⁰ Katz, Elizabeth, and Juan Sebastian Chamorro. 2002 "Gender, Land Rights and the Household Economy in Rural Nicaragua and Honduras." Paper prepared for USAID/SADIS CRSP, Madison, Wisconsin.

¹¹ Field, Erica (2007). Entitled to Work: Urban Property rights and Labor Supply in Peru. *The Quarterly Journal of Economics*, 122(4), 1561-1601.

¹² USAID Commentary by Cynthia Caron citing Friedemann-Sanchez (2006) and Panda and Agarwal, (2005); see also Bhattacharya et al, 2009.

¹³ USAID Commentary by Cynthia Caron citing Friedemann-Sanchez (2006).

Argwal, B. & Panda, P. (2007), India. Toward freedom from domestic violence: the neglected obvious. *Journal of Human Development*, 8(3), 359-388.

¹⁴ General Assembly (2006) In-Depth Study on All Forms of Violence against Women: Report of the Secretary General. A/61/122/Add.1. 6 July 2006; World Health Organization (2005) Summary Report, WHO Multi-Country Study on Women's Health and Domestic Violence Against Women, Initial results on prevalence, health outcomes and women's responses; and Violence Against Women, UNiTE to End

gender-based violence, secure property rights can provide women more bargaining power in navigating sexual relationships, including long-term relationships.¹⁵

Economic opportunities to thrive

Studies have shown that when women have secure rights to land, they have an increased ability to travel to the market, health center and places outside of the community including work outside the home.¹⁶

More equitable property rights are positively associated with women having leadership positions in the private sector¹⁷ and increased household bargaining power.¹⁸ Women with strong property and inheritance rights have been shown to earn up to 3.8 times more income.¹⁹

Secure property rights, particularly ownership rights, give women an avenue to wealth savings that is extremely difficult or nonexistent for most non-land owners. Where women's property and inheritance rights are stronger, women's individual savings are up to 35 percent greater.²⁰ Credit from financial institutions, nongovernmental institutions, women's savings groups and private sources are more available to women who can use their land and/or housing as collateral to support a loan. In Rwanda, women having land titles was correlated with a 12 percent increase in women taking out loans.²¹ Access to credit helps women invest in and improve their homes and businesses.

Women are more susceptible to unstable work opportunities and very often not in a position to obtain formal employment, leading to sporadic work in the informal sector or in agriculture. This results in an inability to access credit for housing or home improvement. Women have however been successful at forming savings groups and employing practices that are aligned to their needs. This type of group lending, designed at the local level, is more likely to be successful because of the social bonds formed among the participants.²² Slum Dwellers International has

Violence Against Woman, Fact Sheet:

http://endviolence.un.org/pdf/pressmaterials/unite_the_situation_en.pdf

¹⁵ Grabe, Shelly. (2010). Promoting Gender Equality: The Role of Ideology, Power, and Control in the Link between Land Ownership and Violence in Nicaragua. *Analyses of Social Issues and Public Policy*, Volume 10 Issue 1. <https://spssi.onlinelibrary.wiley.com/toc/15302415/2010/10/1>

¹⁶ Meinen-Dick, Ruth Suseela; Quisumbing, Agnes R.; Doss, Cheryl R.; and Theis, Sophie. 2017. Women's land rights as a pathway to poverty reduction: A framework and review of available evidence. IFPRI Discussion Paper 1663. Washington, D.C.

<http://ebrary.ifpri.org/cdm/ref/collection/p15738coll2/id/131359>

¹⁷ World Bank Group. 2018. Women, Business and the Law 2018. Washington, DC: World Bank.

¹⁸ Deere, C. D., Oduro, A. D., Swaminathan, H., & Doss, C. (2013). Property rights and the gender distribution of wealth in Ecuador, Ghana and India. *The Journal of Economic Inequality*, 11(2), 249–265.

¹⁹ Peterman, A. (2011). Women's Property Rights and Gendered Policies: Implications for Women's Long Term Welfare in Rural Tanzania. *The Journal of Development Studies*. 47(1), 1-30.

²⁰ Peterman, A. (2011). Women's Property Rights and Gendered Policies: Implications for Women's Long Term Welfare in Rural Tanzania. *The Journal of Development Studies*. 47(1), 1-30.

²¹ Land Tenure and Women's Empowerment, USAID, Fact Sheet: <https://www.land-links.org/issue-brief/fact-sheet-land-tenure-womens-empowerment/>

²² Are Hernando de Soto's views appropriate to South Africa? (2007) Graduate School of Public and Development Management University of the Witwatersrand P&DM Occasional Paper Series no 1.

<https://s3.amazonaws.com/academia.edu.documents/7316054/de%20soto%20colloquium%20final.pdf?AWSAccessKeyId=AKIAIWOWYYGZ2Y53UL3A&Expires=1550487579&Signature=LhzrbYgKReLjfyhYTg>

already employed this methodology very successfully in Africa and Asia. CARE has worked with communities to support Village Savings and Loan Associations (VSLAs) to assist women living in poverty to “save, invest and improve their lives.”²³

Social and political empowerment

Secure property rights can shape social status, political power and decision making within communities. With this security, women engage more readily and with greater impact in civic and political decision-making with increased confidence in decision making. Secure property rights are also socially and politically empowering for women. Women with land have more negotiating power and are better able to challenge traditionally subordinate positions in the community and households. Women with secure property rights may be empowered to participate more effectively in community-level organizations, making those institutions more likely to respond to women’s needs. In general, when women are aware of their rights, they are more equipped to undertake leadership positions at household, community and society levels.

Impediments to achieving equitable access to land

Many women around the world have been, and continue to be, excluded from the direct benefits of land reform programs due to discriminatory regulations related to land distribution, titling and inheritance.²⁴ Written laws often fall short of adequately protecting women’s tenure rights and, in some countries, national laws explicitly discriminate against women. Often, countries that protect women’s housing rights in their laws do so only partially, leaving many ambiguities and contradictions that undermine the ability to exercise and enforce these rights.²⁵ Even when women have rights to work and use the land, they may not be able to transfer it through sale, lease or rental.²⁶

A common global challenge is the gap between legal provisions, the intention of the laws, and social norms and practices. A 2016 study based on the Global Housing Policy Indicators²⁷ in Argentina, found that although the government ratified the International Convention for the Elimination of all Forms of Racial Discrimination (1968) and the International Convention on all Forms of Discrimination Against Women (1985), social practices were preserved, such as the reluctance to rent to single women with young children. With regard to the sanctions imposed for noncompliance after ratifying these conventions, the institutional mechanisms to impose penalties against countries is not effective in fining those who discriminate.

[V5vDfB1s%3D&response-content-disposition=inline%3B%20filename%3DMysteries_and_myths.pdf#page=18](#)

²³ Lee L Savings groups help people overcome poverty – so how many more women could benefit? 21st May 2018 <https://insights.careinternational.org.uk/development-blog/savings-groups-help-people-overcome-poverty-so-how-many-more-women-could-benefit>

²⁴ UN-HABITAT (March 2007), “Policy Makers Guide to Women’s Land, Property and Housing Rights Across the World: 8.

²⁵ Lastarria-Cornhiel and Giovarelli 2005: 10; U.N.-Habitat 2007, Policy Makers Guide to Women’s Land, Property and Housing Rights Across the World: 27.

²⁶ Vanya Slavchevska, Ana Paula De La O Campos, and Chiara Brunelli. (2016). Beyond Ownership: Women’s and Men’s and Rights in Sub-Saharan Africa. Food and Agriculture Organization of the United Nations, 3.

²⁷ Global Housing Policy Indicators (2019). “Buenos Aires, Argentina.” GHI. <http://globalhousingindicators.org/en/content/buenos-aires-argentina>

In addition to legislation enabling women to enforce land claims both within and outside marriage, increasing women's rights to land means strengthening laws and rights for women to inherit and bequeath land, along with promoting women's participation in land administration.²⁸ A 2018 study by the World Bank found that, of the 189 countries studied, 36 countries do not grant widows the same inheritance rights as widowers, and 39 countries prevent daughters from inheriting the same proportion of assets as sons.²⁹

Even where formal, written laws do establish women's rights to own and access land, such laws are seldom enforced for a variety of reasons, including that woman may be illiterate or unaware of their rights, and policymakers may fail to disseminate information on laws to reach women. Furthermore, women frequently lack access to lawyers, legal aid or unbiased courts, making it difficult for them to seek redress even if they know that their rights have been violated.³⁰

Global commitments to action

The international community has repeatedly recognized the vital role of women's land rights in reducing poverty and achieving sustainable development goals. In 1979, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) called on States to eliminate discrimination against women, including establishing the same rights for spouses regarding the ownership, acquisition, management and disposition of property.³¹ Both the 2003 Maputo Protocol on the *Rights of Women in Africa* and the 2004 *Solemn Declaration on Gender Equality in Africa* called for action to address gender inequalities, including women's unequal access to land.³²

More recently, two of the seventeen goals of the United Nations' 2030 Agenda explicitly identify women's land rights as essential to achieving the Sustainable Development Goals, or SDGs. Goal 1, which seeks to "eradicate poverty in all its forms," includes access to land as an indicator. Indicator 1.4.2 measures the "proportion of total adult population with secure tenure rights to land with legally recognized documentation and who perceive their rights to land as secure, by sex and type of tenure."³³ Goal 5, which seeks to "achieve gender equality and empower all women and girls," includes indicators measuring the countries with legal frameworks guaranteeing women equal land rights and the proportion of agricultural population, by sex, with secure rights to land.³⁴

²⁸ African Union, United Nations Economic Commission for Africa, and African Development Bank Framework and Guidelines (2009), Framework and Guidelines on Land Policy in Africa; Land Policy in Africa: A Framework to Strengthen Land Rights, Enhance Productivity and Secure Livelihoods, Addis Ababa, 15.

²⁹ World Bank Group. 2018. Women, Business and the Law 2018. Washington, DC: World Bank.

³⁰ Food and Agriculture Organization of the United Nations /IFAD 2004: 11.

³¹ Office of the United Nations High Commissioner for Human Rights Office, "Women and land, property and housing," www.ohchr.org/EN/Issues/Women/WRGS/Pages/Land.aspx

³² African Union, United Nations Economic Commission for Africa, and African Development Bank Framework and Guidelines (2009), Framework and Guidelines on Land Policy in Africa; Land Policy in Africa: A Framework to Strengthen Land Rights, Enhance Productivity and Secure Livelihoods, Addis Ababa, 8-9.

³³ United Nations, "Transforming our world: the 2030 Agenda for Sustainable Development", Sustainable Development Knowledge Platform, <https://sustainabledevelopment.un.org/post2015/transformingourworld>.

³⁴ United Nations, "Transforming our world: the 2030 Agenda for Sustainable Development", Sustainable Development Knowledge Platform, <https://sustainabledevelopment.un.org/post2015/transformingourworld>.

The main SDG indicator for tenure security in cities is within Goal 11, which focuses on sustainable cities and communities. Indicator 11.1.1 seeks to measure the proportion of urban populations living in slums, informal settlements or inadequate housing as a means of ensuring access for all to adequate, safe and affordable housing and basic services, and upgrade slums. While it is acknowledged that tenure security is included in this target through the accepted definition of “adequate housing,” the SDG indicator itself does not require states to disaggregate data by sex, resulting in a missed opportunity to collect valuable information on the differences between men and women’s tenure security globally.

Although there is room for improvement, the inclusion of women’s issues throughout the SDGs, especially on issues of land, is at the foundation of creating awareness and developing a better understanding of the unique needs of women in attaining security of tenure as we collectively work to ensure “no one is left behind.”

Solid Ground: Country examples from a global advocacy campaign

In 2016, when Solid Ground began, Habitat for Humanity chose to launch the campaign on International Women’s Day because in creating a campaign to increase access to land for shelter, Habitat recognized the importance of promoting policies and systems that make equal property rights a reality for women. Women’s voices are also underrepresented in politics and strategic decision making, meaning that issues disproportionately affecting women require more advocacy, more attention and more awareness raising.

If women everywhere are to enjoy equal access to land, we must shift from viewing women’s rights within the private sphere of marriage and family life, to recognizing and upholding women’s rights within the public domain of human rights.³⁵ Realizing property rights for women requires thoughtful and strategic changes in the written laws and the administration of laws as well as systems, social or customary norms and practices. In much of the developing world, women’s rights to adequate housing will be under permanent threat until governments appropriately enact and enforce gender sensitive laws providing tenure security, whether formal or informal.³⁶ Solid Ground is already making strides to improve women’s access to land and property rights in communities around the world.

Bolivia: School for women leaders results in gender equality for land titles

In Bolivia, as in many developing countries, establishing clear title to a piece of property can be difficult, and legal systems and cultural traditions are weighted against women. If a man dies or leaves his wife or partner, she can find herself with no home and no recourse. So, in 2010 Habitat for Humanity Bolivia created the School of Women Leaders for Secure Tenure in Cochabamba to provide the opportunity for women to learn about rights, citizenship and how to improve living conditions; in efforts to educate and empower women.

³⁵ African Union, United Nations Economic Commission for Africa, and African Development Bank Framework and Guidelines (2009), Framework and Guidelines on Land Policy in Africa; Land Policy in Africa: A Framework to Strengthen Land Rights, Enhance Productivity and Secure Livelihoods, Addis Ababa, 15.

³⁶ UN-HABITAT (March 2007), “Policy Makers Guide to Women’s Land, Property and Housing Rights Across the World: 8.

The Women's Network for Secure Land Tenure, Housing and the City, an advocacy group that grew out of work by Habitat Bolivia and the Women's School, funded by UKAID, soon followed as a network for women who graduated from the school to join and continue their involvement. In 2012, women from the network traveled to La Paz, Bolivia's capital, to meet with government officials and advocate for fairer laws. As a result of their work, several changes were made to Bolivian property law, including a provision that now states property must be registered in the names of both spouses. Prior to this new law, women's names were not listed on the title at all.

This network, through inclusive and gender-sensitive advocacy strategies, has enabled a legislative change benefitting 1.8 million women in Bolivia who now have the right to have their names listed on property deeds. Over 350 women and 40 men have been trained in the legal processes and pathways to secure land tenure and property rights and are now able to claim these rights through judicial and administrative channels. This effort has also been expanded to three additional communities in Bolivia and is also being replicated in Brazil and Peru. Importantly, two other tools were developed to support women's advocacy work: a participatory, pro-active and inclusive land tenure regularization model, together with an information management system platform, which were scaled up in Dominican Republic, Jamaica and El Salvador.

Zambia: Community study circles ensure gender equitable access to land ownership

In Zambia, where the national government has existing policies addressing housing and land rights, there are no mechanisms for monitoring and implementing such policies. Although most existing land laws in Zambia, including the constitution, ascribe to equality between men and women, generally the public is unaware of such provisions. This is because once the land policies are adopted and land laws passed, not only are there inadequate mechanisms for tracking land application, title issuance and land use at the community level, but there is no avenue to sensitize the public on the changes and impacts, in particular women's land rights.

As Habitat for Humanity Zambia began addressing Zambia's affordable housing issues with Habitat's usual building model, they discovered the huge challenge tenure insecurity posed in urban and peri-urban areas. In fact, most residents of Chipulukusu and Twapia, two informal settlements in the city of Ndola, have been living without any form of land security — legal document of proof of ownership from the state as security — meaning they have no guarantee of tenure.

As a leading organization working to increase access to decent and safe housing, Habitat Zambia recognized the gap in monitoring and implementing such policies and facilitated establishing a community-led solution, called study circles, which directly engage and empower communities to lead the initiatives needed to properly implement and monitor land and housing policies. Habitat Zambia has arranged their advocacy activities around three objectives: building knowledge and support of women's land rights; implementing equitable land rights; and creating tracking mechanisms of land rights. Study circles comprise of a group ranging from 7-16 people, including men and women, with a common goal to build consensus and raise consciousness of issues, around gender or otherwise, affecting the community; essentially providing a pulse on the community, which ultimately drives the policy or system changes proposed by the local Habitat. Through study circles, women's participation in the community has increased.

Since engaging in housing and land policies, Habitat Zambia has seen great impact. They were able to promote the need for a land titling system, advise the local government and develop the new land title issuance program based on the community participatory and evidence-based

approach. Through the land title issuance program, 3,000 land record cards were issued to both men and women, providing secure tenure for 15,600 people. Additionally, the Ndola municipality and the power utility company ZESCO also followed through to putting in place road networks and power lines for beneficiary communities.

Lesotho: Advocating for women's property and inheritance rights

Without access to land, access to adequate shelter for people living in Lesotho remains an unrealized goal. In 2016, Habitat Lesotho conducted a desk review to determine the legal and social barriers to secure tenure, including gender discrimination, affecting access to land for shelter. Two preliminary findings were identified: informal settlements are growing because communities cannot afford to live in planned sites, where costs to provide basic services to the planned site increase the cost of living, resulting in low-income families moving to informal settlements where basic services are not available and fear of eviction by the government are higher and while women can legally rent and own property in Lesotho, there is a significant implementation gap due to cultural norms and a lack of information distribution regarding women's rights.

Habitat for Humanity Lesotho is actively working to address access to adequate housing in three primary ways: advocate for issues that address land ownership and security of tenure for low-income families in Lesotho; identify, examine and prioritize constraints faced by low-income families in acquiring land for housing in Lesotho; and develop clearly articulated policies on land allocation and ownership rights in Lesotho, particularly women's ownership rights.

According to their study, women in Lesotho are disproportionately impacted by tenure insecurity, in particular, one challenge being 20 percent of Lesotho's population access land through inheritance. Customary and civil law marriages may include "marriage in community of property", in which all assets and debts are shared between spouses, or "marriage out of community of property", in which an antenuptial agreement sets out terms of possessions of assets, which greatly impacts property and inheritance rights in Lesotho. In the latter case, "marriage out of community of property", women have decreased tenure security which could result in disinheritance, or loss of property rights following the death of their spouse. Therefore, Habitat Lesotho has found that land laws must be created and implemented in conjunction with marriage laws, and property and inheritance rights. Lesotho's National Housing Policy, which would further protect women's land rights, has been in draft form since 2015.

In addition to advocating for the adoption of the National Housing Policy which would increase women's land rights, Habitat Lesotho has formed impactful partnerships across civil society, private and public sectors, namely with the Ministry of Local Government to form the National Advocacy Team, in order to build knowledge and support of women's land rights. Through this partnership, Habitat Lesotho worked to train Basotho women on inheritance rights and as a result, over 800 women gained leases. Habitat Lesotho partnered with the Lesotho Federation of Women Lawyers, or FIDA, to train 20 paralegals in will writing, resulting in 14 women heads of households creating wills. Additionally, Habitat Lesotho worked to build public support by producing radio shows with six major radio stations around women's land and property rights. In a texting campaign, Habitat Lesotho partnered with Econet Telecom Lesotho to spread information on the importance of registering a legal will to approximately 500,000 people.

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For more information, visit our website, <http://solidgroundcampaign.org/>

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