WOMEN AND SECURE PROPERTY RIGHTS:

A HOW-TO PRIMER ON EFFECTIVE REFORM IN DEVELOPING COUNTRIES

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Executive Summary

Women in many parts of the developing world face numerous challenges unique to their gender. One of these challenges relates to a right that both men and women in the developed world most likely take for granted: the ability to legally own land and property in their own name. Despite the fact that women represent half the global population, produce the majority of global food supply, and perform 60 to 80% of the agricultural work in developing countries, women own less than 15% of all titled land worldwide.

Without access to land and property, women—particularly married women and single mothers—have difficulty obtaining sufficient and predictable sources of income and are much more likely to face homelessness, poverty and violence. The barriers to secure property rights are varied, complicated, and often intertwined. They include, but are not limited to, insufficient legal and regulatory systems, gender discrimination, corruption, and the disintegration of customary and traditional protections.

This paper will argue that (1) formal legal and policy reform is foundational; (2) education and awareness of rights and how to access those rights is key; (3) implementation and enforcement of laws and policies are essential; (4) convenient and affordable access to the legal system is critical; and (5) a holistic approach is the best.

Laws in many countries—either intentionally or simply by omission—do not recognize the property rights of women or they treat their rights as secondary to the rights of men. Thus, reforming the laws or policies is often an important first step in effecting change in women’s lives. However, in many countries lack of awareness is frequently seen as the single biggest obstacle to successfully implementing new laws regarding women’s property rights. Women do not turn to the law when they are wrongfully denied property because they simply do not know that they have these rights, and even women who do know and understand their rights often feel pressure not to assert them.

Finally, even when women understand their rights and the government is willing to enforce the law, women face yet another obstacle: accessing the legal system and navigating the legal process. Legal assistance programs, such as community-based paralegal programs and legal aid clinics, can be effective at remedying the legal and economic barriers women faces in accessing the legal system and pursuing enforcement of their property rights.

Because the status of women in developing countries is systematically undermined in a variety of different ways, merely changing one aspect may accomplish little. To really improve the ability of women to acquire and keep property, a more comprehensive and holistic approach is needed.
I. Introduction

Miria is a middle-aged woman living in Entebbe, Uganda, with her four children. She works as a dishwasher, earning the equivalent of one U.S. dollar every day. Her husband recently passed away, leaving her economically vulnerable. As far as she knows, she has no legal right to their shared property. In fact, she returns home from the funeral to find that her husband’s family has already taken the furniture and valuables from the house. Days later, several men arrive to evict her and her children from their home. She discovers that, without her knowledge or consent, her husband’s family has sold the property. Because Miria’s name was not on the housing title, she has no way of proving rightful ownership of the land. By losing her house, Miria has lost not just her shelter, but also the small plot of land she used to grow food for herself and her children. They cannot afford to purchase food, so she and her children now face the threat of malnutrition and even starvation. Ultimately, Miria finds that her only apparent choice is to submit to “wife inheritance,” a customary practice in Uganda in which a widow is inherited—just as property would be inherited—by a relative of her deceased husband.¹

A. Around the world, women lack secure property rights—formal or informal—and this lack of property rights has severe, negative consequences for their health and well-being.

Miria’s story illustrates the striking fact that throughout the world, women face many obstacles to legal property ownership and own significantly less property than men. Consequently, women make up just a small percentage of all landowners.

Despite the fact that women represent half the global population, produce the majority of global food supply,² and perform 60 to 80% of the agricultural work in developing countries,³ women own less than 15% of all titled land worldwide.⁴

Why do so few women own land and property? The reasons are complex and multifaceted. In many countries, the law or customary social practices do not recognize a woman’s legal right to formally own property. Instead, women must rely on customs or traditions that grant women informal access to land through their relationship to their husband, father, or a male family member.⁵ This type of informal access, while certainly better than having no rights at all, is nonetheless insecure and unpredictable because rather than being grounded on legal rights it is based on the generosity of family. Compounding this inherent insecurity is the fact that these traditional customs are increasingly weakening under the pressure of extreme poverty, changing family and social structures, and rising urban land values. In many parts of the world, access to land and property may be less secure now than ever before.

Insecurity of property rights is a widespread and critical problem particularly in developing countries. More than 80 percent of the global population lacks even the most basic legal documentation of their property rights.⁶ Although these figures include both men and women, the situation is most dire for women, principally single mothers, widows, and elderly and disabled women.⁷

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¹ Miria’s story, though fictional, is a composite based on real stories from women in different countries around the developing world and “wife inheritance” is common in Uganda.
⁴ While global estimates of this type of data are inherently difficult to compile, there is universal agreement that the figure is less than 15%, and possibly as low as 1 to 2%. See, e.g., U.N. FOOD & AGRICULTURAL ORGANIZATION, PROPERTY RIGHTS AND LIVELIHOODS IN THE ERA OF AIDS, PROCEEDINGS REPORT OF FAO TECHNICAL CONSULTATION 10 (2008), available at ftp://ftp.fao.org/docrep/fao/010/ai521e/ai521e00.pdf; INT’L FUND FOR AGRICULTURAL DEVELOPMENT, WOMEN & RURAL DEVELOPMENT (2011), available at http://www.ifad.org/pub/factsheet/women/women_e.pdf.
⁵ INT’L CTR. FOR RESEARCH ON WOMEN & UGANDA LAND ALLIANCE, RIGHTS AND GENDER IN UGANDA: A TRAINING TOOLKIT (2010).
⁷ INT’L CTR. FOR RESEARCH ON WOMEN & UGANDA LAND ALLIANCE, RIGHTS AND GENDER IN UGANDA: A TRAINING TOOLKIT (2010).
As tens of millions of people move to urban areas in the developing world every year, gender and property rights concerns become an urban development issue. Women’s legal rights related to owning, inheriting, controlling, and using property in urban areas and cities have not received as much attention as gender and property rights issues in rural areas. Nevertheless, the impact of gender discrimination in property rights matters is an important issue in the growing informal settlements and slums of the developing world.

Without secure land tenure, women have difficulty obtaining sufficient and predictable sources of income and are much more likely to face homelessness, poverty, and violence. This is particularly true for married women, who often find themselves denied their share of the household land upon divorce or widowhood. With few economic options, women are often forced to turn to high-risk behavior such as having unsafe sex or staying in an abusive relationship in exchange for money, housing, or food. Safety is of particular concern in dense urban areas, and having a secure place to live is a critical part of ensuring that single women and mothers can protect themselves.

B. Secure and legal access and rights to property are valuable and lead to economic, social, and political empowerment.

The linkage between property rights for women and positive increased economic and political empowerment is clear. A growing body of research shows that owning property grants women a wide range of economic benefits. Possessing clear property rights allows women greater access to credit and loan markets, better employment opportunities, and improved opportunities for investment and the accumulation of wealth. Owning property also makes women better able to access government services and programs. Overall, studies show that women with secure property rights enjoy increased security, improved autonomy, greater and more dependable income, and better health outcomes compared to their peers with insecure or nonexistent land tenure.

Additionally, strengthening women’s property rights has positive spillover effects for economic improvement in developing countries. As women’s income increases, the additional income benefits the family and the community. Studies show that women are much more likely than men to spend increased income on their children, especially things like more nutritious food, medical services and healthcare, and educational opportunities. As a result, studies suggest that when women control a larger share of community resources, agricultural output increases and poverty decreases.

Women’s property rights, when fully realized, can increase economic growth, address inequalities, and reduce poverty. Reforms to property rights laws and practices could have significant benefits to women who live in urban areas and slums in particular.

C. Law and policies alone are not enough.

The barriers to secure property rights are many, complicated, and often intertwined. They include, but are not limited to, insufficient legal and regulatory systems, gender discrimination, corruption, and the disintegration of customary and traditional protections. Where rights do not exist, there is often a lack of political will to reform the legal or regulatory system. Where written law and customs do provide protections for women’s right to property, women and children often lack the knowledge or resources necessary to assert their rights, while enforcement agencies and the judicial system often do not

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8 JENNIFER BROWN, Rural Women’s Land Rights in Java, Indonesia, 12 PAC. RIM L. & POL’Y J. 631, 632.
10 Scholarship on this topic is too numerous for an exhaustive list. See, e.g., CARMEN DIANA DEERE & LEÓN MAGDALENA, EMPOWERING WOMEN: LAND AND PROPERTY RIGHTS IN LATIN AMERICA 1-31 (2001); BINA AGARWAL, A FIELD OF ONE’S OWN: GENDER AND LAND RIGHTS IN SOUTH ASIA 27-44 (1994).
12 JENNIFER BROWN, Rural Women’s Land Rights in Java, Indonesia, 12 PAC. RIM L. & POL’Y J. 631, 632-33.
13 INTERNATIONAL FOOD POLICY RESEARCH INSTITUTE, WOMEN THE KEY TO FOOD SECURITY (1995).
14 See MARY HALLWARD-DRIEMEIER & TAZEEN HASAN, EMPOWERING WOMEN: LEGAL RIGHTS AND ECONOMIC OPPORTUNITIES IN AFRICA 4-6 (2013); INT’L CTR. FOR RESEARCH ON WOMEN & UGANDA LAND ALLIANCE, RIGHTS AND GENDER IN UGANDA: A TRAINING TOOLKIT 15 (2010).
15 MARY HALLWARD-DRIEMEIER & TAZEEN HASAN, EMPOWERING WOMEN: LEGAL RIGHTS AND ECONOMIC OPPORTUNITIES IN AFRICA 4-6 (2013).
enforce the rights. An effective reform of property rights must address these complex and intertwined roadblocks.

In this paper, we seek to present a how-to primer on effective reform of property rights so that women will have fair and equitable access to these rights. We define "effective reform" as not just having an equitable and fair law on the books, but also that such a law is widely understood and accessed. We argue that (1) formal legal and policy reform is foundational; (2) education and awareness of rights and how to access those rights is key; (3) implementation and enforcement of laws and policies are essential; (4) convenient and affordable access to the legal system is critical; and (5) a holistic approach is the best.

II. Elements of Successful Reform

A. Element #1: Legal/Policy Change

There are many complicated factors that prevent women from realizing full and secure property rights. However, in many countries the single largest impediment to equal rights is the law itself. Laws in many countries—either intentionally or simply by omission—either do not recognize the property rights of women or treat their rights as secondary to the rights of men. Thus, reforming the laws or policies is often an important first step in effecting change in women’s lives. This kind of reform can occur in many different ways. The changes could occur at many different levels of government: national, provincial, municipal, or community. These changes could also take many forms: constitutional amendments, laws, regulations, or even more informal policymaking mechanisms.

Certainly, a legal or policy change is not the only way to improve the conditions for women in the world. This is particularly true for property because property rights in developing countries are often informal, rather than formal. Formal property rights are those granted by legal recognition; informal property rights are those based on unofficial agreement and social expectations. However, a legal or policy reform can often be foundational even in countries where property rights have traditionally been informal. Furthermore, legal change can be the impetus for broader social change at the community level.

A good example of comprehensive legal and policy change can be found in the major reforms undertaken in Ghana in 1985. The Intestate Succession Law of 1985 made several changes to the laws regarding land inheritance and the rights of women to inherit property. Historically, family matters like marriage and inheritance were governed by so-called customary law, the traditional norms and customs indigenous to particular regions of the country. The actual law of Ghana simply deferred to these customs. But because these norms are based on traditional customs, they typically grant women very few rights and exclude them from inheriting the property of their deceased husbands.

The Intestate Succession Law was designed, in part, to remedy this problem and protect the rights of wives, especially widows. First, the act gives the wife of a deceased husband an “absolute” right to the household chattels, including furniture, clothes, kitchen appliances, and farming equipment. For the remaining assets of the estate, Sections 5 through 11 set out a complex formula to determine how the estate would be divided between different family members. For a surviving spouse without children, they are entitled to one-half of the estate, while one-fourth goes to the parents of the deceased, and one-fourth is divided according to the local customary law of that region. If the estate is very modest and valued under a certain amount, the surviving spouse may inherit the entire estate. The law also created a criminal penalty, including up to one year in prison.

16 Intestate Succession Law, P.N.D.C. L. 111 (1985) (Ghana).
19 Ibid.
20 Ibid.
21 Intestate Succession Law, P.N.D.C. L. 111 (1985) (Ghana), § 3.
22 Ibid, §5-11.
23 Ibid, § 6
24 Ibid, § 12
for attempting to deprive someone of a portion of an estate to which they are entitled.\textsuperscript{25}

While these provisions may seem modest, the changes that the Intestate Succession Law made were an historic break from customary law. At the time it was hailed as “the most extensive legislative reform ever made in the private law of Ghana.”\textsuperscript{26} For the first time ever, the law granted surviving spouses a valid legal claim to a portion of the estate.\textsuperscript{27} It created new rights for women, including some that were wholly nonexistent under customary law. This new law successfully affected the lives of thousands of women in Ghana.\textsuperscript{28}

Ghana’s Intestate Succession law provides a good example of comprehensive legal reform, but it also serves as a good example of the limits of what pure policy reform can achieve. Despite a very advantageous law on the books, Ghana has encountered significant difficulty in fully implementing the law’s provisions and making them universally recognized throughout the country.\textsuperscript{29} The lesson is clear: legal changes, without more, may not achieve the intended reforms. This paper will demonstrate that while legal change is crucial, it is not sufficient in and of itself.

B. Element #2: Education and Awareness

While legal changes are a crucial first step to realizing and protecting women’s property rights, they are not enough on their own; education and empowerment is also essential. Governments, community members, and NGOs must spread the word and educate not only the women and men in the community, but also legal decision makers, political decision makers, and enforcement agencies.

In many countries, lack of awareness is frequently seen as the single biggest obstacle to successfully implementing new laws regarding women’s property rights.\textsuperscript{30} If new laws and policy reforms are not actively communicated, most people outside of the legal profession (and possibly many within) will never hear about these changes.\textsuperscript{31} This is particularly true in rural areas and in very poor communities that have limited access to news and information. This lack of awareness leads to two separate but related issues.

First, women do not turn to the law when they are wrongfully denied property because they simply do not know what the law says. Even when women know that a new law has been passed or a policy change has been made, their understanding of the changes can be inaccurate or imprecise.\textsuperscript{32} Often, misinformation spreads and people end up with erroneous impressions of

\begin{quote}
Case Study - Uganda
An organization working in Uganda, the Uganda Land Alliance (ULA), provides education on the issue. The ULA works to increase land rights awareness among poor women, children, and other marginalized groups. With support from the International Center for Research on Women, the ULA operates a community rights workers program that trains Ugandans to go out into their communities and conduct workshops to strengthen understanding of property rights for women. Through discussion sessions, group exercises, and handouts, community rights workers emphasize that women’s legal rights exist, are protected by law, and are just as important as men’s. The goal is not to lecture, but to start a community conversation about women’s legal rights and encourage everyone to exercise and protect their own property rights while respecting others’ rights.\textsuperscript{1}
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\textsuperscript{1} Save the Children & UN FAO, Children and women’s rights to property and inheritance in Mozambique: Elements for an effective intervention strategy 20-21 (2009).

\textsuperscript{25} Intestate Succession Law, P.N.D.C. L. 111 (1985) (Ghana), § 17.
\textsuperscript{26} GORDON R. WOODMAN, Ghana Reforms the Law of Intestate Succession, JOURNAL OF AFRICAN LAW, Vol. 29, No. 2 (Autumn, 1985), at 118.
\textsuperscript{27} JEANMARIE FENRICH & TRACY E. HIGGINS, Promise Unfulfilled: Law, Culture, and Women’s Inheritance Rights in Ghana, 25 FORDHAM INT’L L.J. 259, 262.
\textsuperscript{28} JEANMARIE FENRICH & TRACY E. HIGGINS, Promise Unfulfilled: Law, Culture, and Women’s Inheritance Rights in Ghana, 25 FORDHAM INT’L L.J. 259, 268.
\textsuperscript{29} FENRICH & TRACY E. HIGGINS, Promise Unfulfilled: Law, Culture, and Women’s Inheritance Rights in Ghana, 25 FORDHAM INT’L L.J. 259, 295.
\textsuperscript{31} JEANMARIE FENRICH & TRACY E. HIGGINS, Promise Unfulfilled: Law, Culture, and Women’s Inheritance Rights in Ghana, 25 FORDHAM INT’L L.J. 259, 327-29.
\textsuperscript{32} JEANMARIE FENRICH & TRACY E. HIGGINS, Promise Unfulfilled: Law, Culture, and Women’s Inheritance Rights in Ghana, 25 FORDHAM INT’L L.J. 259, 327-29.
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the state of the law. Too often, women don’t assert their rights to property because they simply don’t know that they have these rights.

Second, women who do know and understand their rights often feel pressure not to assert them. Women can feel a cultural and social pressure not to exercise their rights, particularly when awareness among the public is low. In many countries, a woman standing up for her rights—such as the right to have marital property registered in both her husband’s name and her own—can be seen as dishonorable and disrespectful to the husband. Furthermore, women often choose not to pursue a legal case when their rights have been violated because they fear the social tensions that a legal battle could create.

Fortunately, governments and non profit organizations can address both of these issues with effective education and awareness campaigns. An additional benefit of awareness campaigns is that the community rights workers are ordinary members of the community. They are known and trusted by the community, and can make their message accessible to the average person. While education of law enforcement and judicial or government officials will be covered more fully in the next section, it is important to note that education and awareness campaigns should include government decision makers as well as average people. Raising awareness and educating everyone in the community—not just women—is important for building the social support necessary for women to take action and exercise their rights.

An effective campaign to increase awareness of and knowledge about new laws is an essential ingredient in successful reform.

C. Element #3: Implementation and Enforcement

As stated previously, legal and policy changes are necessary elements in any successful effort to improve the property rights of women, but changes in the law don’t automatically lead to progress for women in the real world. This is particularly true in developing countries that lack strong government institutions or in rural areas where daily life is governed more by informal social structures than by formal legal frameworks. Even the best legal reforms mean nothing for women if government authorities do not implement and enforce the law effectively.

Experience from programs on the ground demonstrates that legal reforms work best when they are accompanied by aggressive and comprehensive strategies to implement and enforce the changes. For example, Zambia has created the Victim Support Unit (VSU), a special division of the national police dealing specifically with cases where the victims are women and children. The VSU deals with crimes of “property grabbing”; where women’s rightful claims to land are not respected and they are illegitimately forced out of their homes, often by the family of the wife’s deceased.

Case Study - Indonesia

In Indonesia, legal reforms aimed at improving women’s legal claim to matrimonial land have made it possible for land titles to be issued under the names of both spouses, rather than just the husband. However, in practice they are essentially always issued solely in the husband’s name. While this is due in part to low public awareness of the change, perhaps a bigger issue is that most Indonesian government officials—even those working in the government agency responsible for land registration—are unaware or uncertain that land can be registered in the names of both husband and wife.

The failure of Indonesia’s reform was primarily because training about the new law has been virtually nonexistent, and the training actually conducted has been minimal and ineffective. Consequently, despite a solid law on the books and good intentions, Indonesia’s reforms have yielded little actual progress for women. This same situation has played out in other countries around the world. In this way, a lack of implementation and lackluster enforcement effectively nullify the laws on the books.

Jennifer Brown, Rural Women’s Land Rights in Java, Indonesia, 12 PAC. RIM L. & POL’Y J. 631, 644-646.

husband. Since 2001, the VSU has begun to focus more intensely on property grabbing cases. These efforts have had a clear impact within the country—the number of property and inheritance cases that led to a conviction increased from just 6% in 2001 to more than 31% in 2003.\(^{37}\)

Other countries in the developing world have achieved similar success with concerted campaigns to improve enforcement of legal reforms. In Mozambique, the Ministry of Justice’s Centre for Legal and Judicial Training (CFJJ) is the primary institute that provides training for members of the country’s judiciary. In partnership with the United Nations Food and Agriculture Organization (UN FAO), the center has begun focusing on women’s rights to land and natural resources. In the last few years, judges across the country have received training on this topic.\(^{38}\)

As these examples show, an active strategy to successfully implement and to enforce new laws is an essential ingredient in successful reform.

D. Element #4: Access to the Legal System

The ability to access legal resources is also a critical element for success. Even when women understand their rights and the government is willing to enforce the law, women still face yet another obstacle: accessing the legal system and navigating the legal process. There are numerous barriers—including legal and economic barriers—that prevent women from asserting their rights, yet intervention efforts often do not account for these challenges.\(^{39}\) Successful reform efforts must address and remedy these barriers.

1. Legal Access Barriers

One challenge that women often face is acquiring basic legal assistance or representation. Lawyers tend to be situated in major cities, meaning that many women cannot find lawyers or legal counsel because such resources simply do not exist in their community.\(^{40}\) This is particularly true for women in remote rural areas or in socially isolated slums. Women thus find it impossible to find even general sources of information about their legal rights or acquire even the most rudimentary legal advice.\(^{41}\)

One solution that has been tremendously effective in many countries is the use of legal assistance programs with a specific focus on women’s property issues. These assistance programs typically take one of two forms: either legal aid clinics or community-based paralegal training programs. Legal aid clinics generally employ lawyers to provide direct legal aid to victims, often representing them in official legal matters before a court, tribunal, or other government body. Community paralegal programs, on the other hand, train members of the community to serve as a source of information and advice for victims of property rights violations.

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40  [UN Habitat–Uganda Report on Paralegal Mediators (2002) at 87.]

Community paralegal programs are particularly well suited to remediying the legal access barriers women face in determining their rights under the law. Paralegals are typically community members who receive training on land rights or women's rights generally.42 Using this knowledge, paralegals are able to provide free or low-cost assistance and counsel to members of their community. Additionally, these paralegals can often serve as mediators between the victim and the opposing party in an alternative dispute resolution (ADR) process. Depending on the community's available resources, paralegals may be supervised by a qualified legal practitioner for more complicated legal work.43

A final benefit of these programs is that they are typically quite cost effective. Because paralegals are volunteers, administrative costs are kept relatively low and funding from grants can go directly to the costs associated with training new paralegals. Organizations such as USAID's Office of Women in Development and the World Bank are currently funding paralegal projects in countries across the developing world.44

2. Economic Barriers

In addition to formal legal barriers, there are informal economic barriers that prevent women from exercising their rights. Women often lack the basic economic resources necessary to participate in the legal system and navigate the legal process.45 This includes, first and foremost, the generally high cost of hiring a lawyer. However, it also includes the often prohibitive costs associated with physically travelling to a lawyer's office or a judicial body. For many developing countries, particularly in the rural areas, women may live many miles away from the nearest court or legal tribunal and cannot afford the transportation costs or the opportunity costs from missing a day of work.46 While possessing the economic means to access the legal system is an issue in even the developed world, the problem is frequently exacerbated by the geographic isolation and poor transportation infrastructure in many developing regions.

While paralegal programs are effective at providing legal information and advice, there are limits to the kinds of work community paralegals can do. If a victim decides to pursue a legal case, paralegals typically lack the authority to represent victims in court or before other legal bodies.47 Instead, women must hire a certified lawyer or legal practitioner to pursue the case. This is where legal aid clinics providing free or low-cost legal representation can help women overcome the economic barriers associated with pursuing legal remedies.

Legal assistance programs—both community-based paralegal programs and legal aid clinics—can be effective at remedying the legal and economic barriers women face in accessing the legal system and pursuing enforcement of their property rights.

42 SAVE THE CHILDREN & UNITED NATIONS FOOD AND AGRICULTURE ORGANIZATION, CHILDREN AND WOMEN’S RIGHTS TO PROPERTY AND INHERITANCE IN MOZAMBIQUE: ELEMENTS FOR AN EFFECTIVE INTERVENTION STRATEGY 25-27 (2009).
43 Ibid.
44 Nadia Steinzor i-ii; Sinclair Dinnen & Nicole Haley, Evaluation of the Community Officer Project In Solomon Islands.
47 SAVE THE CHILDREN & UNITED NATIONS FOOD AND AGRICULTURE ORGANIZATION, CHILDREN AND WOMEN’S RIGHTS TO PROPERTY AND INHERITANCE IN MOZAMBIQUE: ELEMENTS FOR AN EFFECTIVE INTERVENTION STRATEGY 26 (2009).

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**Case Study - Uganda**

In Uganda, the Association of Women Lawyers provides legal aid for women and supports women’s rights. The association has years of experience in providing pro bono legal representation to women involved in property disputes.1 Lawyers work with women to provide legal advice and, if necessary, pursue their legal claim in administrative hearings and in court. Additionally, the Association places particular emphasis on pursuing strategic litigation aimed at law and policy reform, especially filing claims before Uganda’s Constitutional Court. In this way, lawyers with the association have successfully challenged discriminatory provisions of the country’s inheritance and divorce laws.2

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2 International Federation For Human Rights Et Al., Women’s Rights In Uganda: Gaps Between Policy And Practice
In this way, paralegal programs and legal aid clinics can be critical tools in achieving successful reform.

**E. Element #5: Holistic Approach**

Finally, it is important to keep in mind that property rights do not exist in a vacuum. There are many other issues disproportionately affecting women, including: domestic violence, child abandonment, police abuse, economic exploitation, employment rights, right to education, and right to health. Because the status of women in developing countries is systematically undermined in a variety of different ways, merely changing one aspect may accomplish little. To really improve the ability of women to acquire and keep property, a more comprehensive and holistic approach is needed. In the context of access to land, that often means addressing women’s inequitable rights within marriage and women’s general economic freedom.

In urban informal settlements and slums, women, and particularly single mothers, are among the most vulnerable. Clear property rights are linked to the provision of basic services like clean water and adequate sanitation, which in turn affects the health and safety of women and their children.

In many countries, women’s lack of secure land rights is merely a symptom of a broader lack of rights, particularly for married women. Married women may not have legal identity outside of their husband’s, may not have a role in managing family finances, and may be unable to participate in the economy without their husband’s approval. Ethiopia undertook a series of legal reforms in 2000 to address these kinds of issues.48 The new laws increased the minimum age of marriage for women, allowed a woman to work outside the home without her husband’s permission, and required the consent of both spouses in the administration of marital property.49 Studies have shown that these legal changes had a noticeable impact on women’s economic activities and economic empowerment.50

Similarly, many countries have used reformed marriage laws to protect women’s property rights. Countries from Vietnam to the Philippines to much of Latin America have changed their laws to grant both husband and wife co-ownership rights over property acquired during their marriage.51 These kinds of legal reforms, though not necessarily directly related to secure property rights, are important to keep in mind when addressing property rights issues and can be a critical part of holistic efforts to improve the lives of women.

**III. Conclusion**

Clearly, a successful reform effort to improve women’s land rights should encompass much more than a simple change in the law. Having good laws and policies on the books is a foundational element in improving women’s land rights, but education and awareness of rights and how to access those rights is key; implementation and enforcement of laws and policies are essential; convenient and affordable access to the legal system is critical; and a holistic approach is the best.