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New Analysis: Governments Do Not Protect the Property Rights of Indigenous and Rural Women in 30 Countries Containing Three Quarters of the Developing World's Forests

As Rural Demographics Shift, Lack of Protections for Women's Land Rights Undermines Efforts to Empower Indigenous Peoples and Local Communities, Conserve Tropical Forests, and Reduce Poverty

WASHINGTON, DC (25 May, 2017)—Legal protections for indigenous and rural women to own and manage property are missing in 30 low- and middle-income countries, according to a new report from Rights and Resources Initiative (RRI). Without legal protections for women, community lands are vulnerable to theft and exploitation, which threatens the world's tropical forests—a critical bulwark against climate change—as well as efforts to improve life in impoverished rural communities.

“Unless women have equal standing in all laws governing indigenous lands, their communities stand on fragile ground,” said Victoria Tauli-Corpuz, UN Special Rapporteur on the Rights of Indigenous Peoples. “For many Indigenous Peoples, it is the women who are the food producers and who manage their customary lands and forests. Safeguarding their rights will cement the rights of their communities to collectively own the lands and forests they have protected and depended on for generations.”

The findings were included in a [report that analyzed 80 legal frameworks](#) in 30 low- and middle-income countries that regulate community forestlands. All the examined countries, whose territories include 78 percent of the developing world's forests, have ratified the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), yet not one meets the minimum standards outlined in the Convention.

Only four of the countries in the report—Bolivia, Brazil, Colombia, and Venezuela—have adequate legal protections concerning the rights of women to constitutional equal protection, property ownership/management and inheritance. Alongside these overarching rights, the study examined community-level rights and found that protections for women in community tenure systems were markedly weaker than protections in national constitutions.

The importance of protecting women’s property rights becomes even more urgent as the number of women-led households in rural areas around the world [continues to grow](#). The percentage of female-led households is increasing in half of the world’s 15 largest countries by population, including India, Nigeria, and Pakistan.

“There is a particularly pressing need to secure women’s rights to community-level governance and inheritance,” said Stephanie Keene, Tenure Analyst for RRI. “The rights to lead and equally participate in community-level decision-making processes are crucial for women to effect change, and for their ability to manage and protect the resources that their communities rely on. Inheritance rights are essential to women’s personal agency and economic security—and sometimes their very survival—particularly when a spouse, partner, or parent dies.”

Women’s Rights Can Drive Conservation and Climate Mitigation Efforts

The study found that legal frameworks acknowledging communities as forest owners provide the greatest protections for women’s rights. In contrast, frameworks established for conservation purposes—which seldom acknowledge communities as forest owners—offer the fewest and weakest protections for women. Given that women are often the managers of community forests, conservation efforts can easily be undermined by the absence of protections for women’s rights.

“This surprising finding is a wake-up call to global conservation organizations,” Tauli-Corpuz added. “Ensuring the rights of Indigenous Peoples, and particularly indigenous women, is paramount to successful conservation efforts.”

In 2016, RRI research found that Indigenous Peoples and local communities manage at least 24 percent of the total carbon stored aboveground in the world’s tropical forests, or [54,546 million metric tons of carbon](#) (MtC)—a sum greater than 250 times the amount of carbon dioxide emitted by global air travel in 2015.

[Peer-reviewed research](#) from the Inter-American Development Bank released earlier this year revealed that annual deforestation rates inside legally recognized indigenous forests were 2-3 times lower than outside these forests in Bolivia, Brazil and Colombia from 2000-2012—which prevented the carbon from being released into the atmosphere. Yet Indigenous Peoples and communities globally have legally recognized ownership rights to only one-fifth of their customary lands.

Without Women’s Property Rights, Community Well-Being is Imperiled

The analysis also found that only 17 of the countries analyzed (57 percent) affirm women’s property rights, and that only eight (27 percent) mandate that daughters, widows, and unmarried women in consensual unions have equal rights to inherit alongside their male counterparts. More than a third of the countries assessed have laws that either discriminate against daughters, widows, and/or women in consensual unions, or defer to religious or customary law without safeguarding women’s inheritance

rights. These systems make it more likely that women will need to rely on their relationships with men in order to access and benefit from property.

These critical lapses are more evident—and increasingly consequential—as rural populations shift and women increasingly lead rural households. While disease and conflict contribute to rural demographics trends, migration from rural areas to urban regions is also significant. Historically, this migration [has predominantly been led by men](#), with [women left behind](#) to work the farms and care for their families in a wide variety of countries, including Mexico, Pakistan, Swaziland, Tanzania, Zambia. These demographic shifts increase the stakes of women’s long-running efforts to achieve equal rights under law.

“Securing women’s rights to community lands offers the most promising path toward peace, economic development, and sustainability in the forested and rural lands of the world,” said Solange Bandiaky-Badji, RRI’s gender justice program lead. “The report calls on governments to work with indigenous and rural women to create and implement national laws and regulations that explicitly recognize all women’s equal rights to property, inheritance, and protection under the constitution.”

In Indonesia, Women’s Leadership is Gaining Prominence

Indonesia is one of two countries whose constitution does not prohibit gender-based discrimination or explicitly guarantee women equal protection. Nevertheless, women are increasingly emerging as leaders in the movement to secure their rights. In June, female indigenous activist Rukka Sombolinggi will become the new secretary general of the Indigenous Peoples Alliance of the Archipelago (AMAN). Sombolinggi, a Torajan from the highlands of Sulawesi, is part of new wave of land rights activism led by women in the country.

In 2016, for example, [nine women farmers](#) from Kendeng community in Central Java placed their feet in concrete blocks to protest a cement plant whose operations would consume all of their water resources. The protest, outside the state palace in Jakarta, continued this year as provincial authorities moved forward with the project despite court rulings in favor of communities.

“Indigenous women face discrimination on multiple fronts: we are often poor, we are indigenous, and we are women,” said Sombolinggi. “But this only strengthens our resolve. Even without equal protections in the law, we are able to assert our rights and move our communities forward. It is well known that when women and girls have equal rights and equal opportunities, their communities and countries also benefit. Indonesia benefits when her women’s rights are respected and protected.”

In Liberia, the Potential of a Woman President Goes Unfulfilled

In Liberia, the country’s recovery from decades of civil war has been led by Africa’s first woman head of state, Ellen Johnson Sirleaf. Despite ratifying CEDAW and adopting a national policy recognizing gender justice in 2009, Liberia still lacks vital legal protections for women, particularly with regards to the

customary lands and resources that nearly all rural women rely on to feed their families. This leaves women vulnerable to land-grabbing and dispossession.

President Sirleaf promised to implement clear safeguards for women's land rights in an [interview with Reuters](#) in 2013. She stated, "women will have the full right to own their land like anyone else." And yet, a progressive Land Rights Law that would recognize community rights has languished in parliament for two years, and the most recent draft fails to adequately protect women's rights. If the law is not passed by the end of May, it is likely to languish until after the election.

"Women in Liberia take great pride in the leadership of President Sirleaf, and we see that even the US has been unable to elect a woman as head of state," said Julie Weah of Foundation Community Initiatives. "But unfortunately, the promise of her presidency has not yet reached the many rural women who are still waiting for legal recognition of their land rights."

Latin America Shows That Progress on Community Land Rights Depends on Women's Equality

The nine Latin American countries in the report provide the strongest protections for women's overarching inheritance rights and the best recognition of women's rights within communities. At the same time, recognition of women's rights to lead communities lags behind Africa and Asia.

These issues have played out in Peru, where several ongoing land titling projects—including a US\$80 million Inter-American Development Bank investment—prompted women's groups to call for greater inclusion in projects affecting their lands. Although some of the titling projects include gender equality policies, they are not fully implemented on the ground. Women often lack access to decision-making processes at the community level, increasing the likelihood that decisions regarding their lands will be made without their knowledge or consent.

"For indigenous women, our land is a sacred space that cannot be sold or divided up," said Ketty Marcelo, President of the National Organization of Indigenous Andean and Amazonian Women of Peru (ONAMIAP, for its Spanish acronym). "By stewarding these lands, we play a fundamental role in food security, the preservation of biodiversity, and the governance of our territories. But without voice, effective participation at all levels, and vote, women cannot fully use and protect the lands and forests we all rely on."

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The Rights and Resources Initiative (RRI) is a global coalition consisting of 15 Partners, 7 Affiliated Networks, 14 International Fellows, and more than 150 collaborating international, regional, and community organizations dedicated to advancing the forest land and resource rights of Indigenous Peoples and local communities. RRI leverages the capacity and expertise of coalition members to promote secure local land and resource rights and catalyze progressive policy and market reforms. For more information, please visit www.rightsandresources.org.