

Power and Potential

KEY FINDINGS FROM ASIA

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The study analyzed **26 legal frameworks** that regulate community forest tenure in **10 Asian countries**.



Of the three regions studied, **community-specific legal frameworks in the 10 Asian countries provide the highest level of protection for women's community-level inheritance, voting, and leadership rights**. However, these countries provide women with the weakest rights to equal protection under national constitutions.



Two types of laws are examined in the study:

OVERARCHING LAWS: National-level laws and regulations that apply to all individuals in a country, regardless of whether they exercise property rights through a community-based tenure system.

Rights analyzed:
Constitutional Equal Protection, Property Rights, Inheritance

COMMUNITY-LEVEL TENURE LAWS: National-level laws and regulations concerning the tenure rights of individuals within a community-based tenure system.

Rights analyzed:
Membership, Inheritance, Voting, Leadership, Dispute Resolution

Overarching Laws



EQUAL PROTECTION

When compared with Africa and Latin America, Asian countries provide women with **the weakest rights to equal protection under national constitutions**.



INHERITANCE AT THE NATIONAL LEVEL

None of the assessed countries in Asia recognize the inheritance rights of women in consensual unions. This inadequate legal protection for women is a significant obstacle to their tenure security, especially since consensual unions are common across the developing world.

India, Indonesia, Myanmar, Papua New Guinea, and the Philippines have laws that discriminate against daughters, widows, and/or women in consensual unions, or defer to religious or customary law without safeguarding women's inheritance rights.

Community-level Laws



INHERITANCE AT THE COMMUNITY LEVEL

Asian countries provide the **greatest protection for women's community-level inheritance rights**.

19% of analyzed legal frameworks explicitly recognize the community-level inheritance rights of women.

15% of analyzed legal frameworks recognize this right for all community members.



GOVERNANCE (VOTING & LEADERSHIP)



Asian countries provide slightly more protection for women's community-level voting and leadership rights, as compared to Latin America and Africa.

23% of legal frameworks recognize women's rights to vote in community general assemblies.

19% of legal frameworks establish a minimum quota of women for community-level executive bodies to take action.

Spotlight on Indonesia

Indonesia's Constitution is **1 of 2** assessed that does not explicitly protect women from gender-based discrimination and/or expressly guarantee women equal protection under the law.

The Civil Code of Indonesia **does not recognize consensual unions** of Indigenous Peoples and local communities as legally valid.

Indonesia has also reportedly **considered criminalizing consensual unions**.

0 of 6 legal frameworks identified in Indonesia adequately protect women's rights to community-level inheritance, membership, governance, or dispute resolution.

5 of 6 legal frameworks analyzed do not address community-level decision making processes in any respect.