

# Power and Potential

## KEY FINDINGS FROM LATIN AMERICA

[www.rightsandresources.org/powerpotential](http://www.rightsandresources.org/powerpotential)

The study analyzed **28 legal frameworks** that regulate community forest tenure in **9 Latin American countries**.



The countries analyzed in Latin America provide the **strongest protections for women's overarching inheritance rights** and greater recognition of women's community-level membership rights, **but lag behind Africa and Asia with respect to the recognition of women's overarching property rights and community-level leadership and dispute resolution rights.**



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



INHERITANCE AT THE NATIONAL LEVEL

The Latin American countries studied provide **the strongest protections for all women's overarching inheritance rights.**

**8 of 9** countries provide equal protection for the inheritance rights of daughters, widows, and unmarried women in consensual unions.

*\*No countries studied in Africa or Asia provide this safeguard for women in consensual unions.*

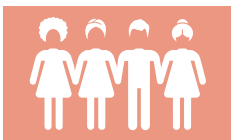


PROPERTY RIGHTS

Latin America **lagged behind** the other two regions analyzed **in recognizing women's property rights in overarching laws.**

**Only 4 of 9** countries contain overarching laws that generally affirm the property rights of women.

### Community-level Laws



MEMBERSHIP

Latin America provides the greatest protection for women's **community-level membership, the most integral community right examined.**



DISPUTE RESOLUTION

Latin American countries **lag behind in recognizing women's community-level dispute resolution rights.**



LEADERSHIP

Latin American countries **lag behind in recognizing women's community-level leadership rights.**

Community-level **leadership is arguably the most important right for women to participate in the decision-making processes that affect them.**

**Only 1 of 28** legal frameworks recognize the rights of women to serve as leaders on community-level executive bodies, despite the sacrifices made by many indigenous and rural women leaders in Latin America, who have advocated for the rights of their communities at great risk to their own safety.

### Spotlight on Peru & Brazil

Peru and Brazil are **2 of 8** countries studied that recognize inheritance rights for women in consensual unions at the national level.

In Peru, although widows, daughters, and women in consensual unions have **the right to inherit** under national laws pertaining to all women, this right **is not protected in community-level laws and regulations.**

In Peru, while community governance and dispute resolution are addressed in the laws regulating **3 of 4** community-specific legal frameworks, women's rights to vote, participate in leadership bodies, and access dispute resolution mechanisms are not guaranteed.

The **8** legal frameworks in Brazil largely fail to address community-level governance: **only 1** addresses community-level leadership (though it fails to establish a quota or quorum for women's participation).