

# Resilience and Resistance

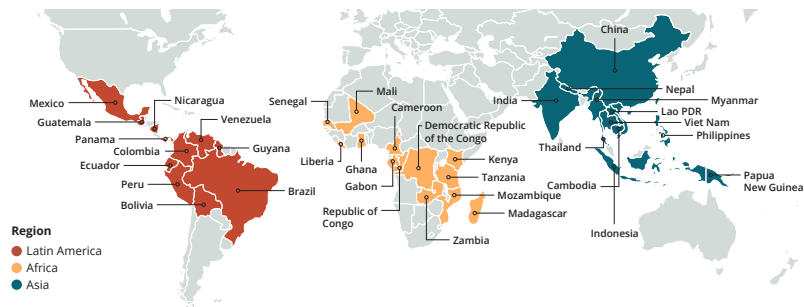
## INDIGENOUS, AFRO-DESCENDANT, AND LOCAL COMMUNITY WOMEN'S STATUTORY RIGHTS TO COMMUNITY FORESTS

GLOBAL SUMMARY | MARCH 2025

Community women and girls play irreplaceable roles in the stewardship and safeguarding of the lands and territories traditionally held and managed by communities. These territories are estimated to span half of Earth's land area.

This report is an update of RRI's groundbreaking Power and Potential (2017) analysis and tracks 35 governments' progress in recognizing the forest rights of Indigenous, Afro-descendant, and local community women since 2016.

Analyzes **104 legal frameworks** as of 2024, including national laws regulating community forest tenure in **35 countries covering about 80% of forests in Africa, Asia, and Latin America.**



### KEY FINDINGS

Most countries (34) recognize women's constitutional equality and property rights (23), but only 11 countries uphold their intestate inheritance rights.

Most of the laws that specifically regulate community-level tenure rights fail to adequately protect women's rights within communities.

Among the **97 legal frameworks recognized as of 2016 and the 104 legal frameworks recognized as of 2024**, the proportion that has adequate protections for women's rights has remained stagnant at:



2% for voting rights



5% for leadership



13% for inheritance

Women's rights where an increase was observed:  
from **19%** in 2016 → **20%** in 2024 for dispute resolution  
from **27%** in 2016 → **29%** in 2024 for membership

Countries' overall progress on SDG-5 on gender equality, obligations under CEDAW, and the Beijing Declaration, is alarmingly low.

#### 5 years away

2030 Agenda for Sustainable Development

Not a single SDG 5 indicator is on track to be achieved by 2030, including 5.a.2 on women's equal control and ownership of land.

#### 40 years since

CEDAW's Adoption

All 35 countries have ratified CEDAW, yet none have satisfied their obligations under the Convention.

#### 30 years since

Beijing Declaration and Platform of Action

Africa, Asia, and Latin America are far from meeting their goals, with weak legal protections for women's land rights, limited inclusion in climate policies, and persistent gender-based violence.

### IMPACT OF LEGISLATIVE REFORMS ON LEGAL FRAMEWORKS ANALYZED FROM 2016-2024

11 legal frameworks established between 2016-2024

56 legal frameworks were reformed

23% saw changes to legal frameworks

8 legal frameworks improved community women's rights

5 legal frameworks rolled back women's specific rights

4 legal frameworks had gender-blind reforms that impacted assessment but failed to protect women's rights

### The legal advancement of women and their communities goes hand in hand.

However, the widespread use of gender-blind legislation to regulate community forest tenure may be widening the gap between women's individual forest rights and their communities' collective forest rights.

Since 2016, progress in recognition of community women's forest tenure rights is **inconsistent and marginal**, even in legal frameworks recognizing their communities' forest ownership.

Among the **12 conservation-oriented legal frameworks** that underwent reforms between 2016-2024, **no advancements were made** in the protection of community women's specific rights.

### GOVERNANCE (VOTING & LEADERSHIP)



Only **2 of 104** legal frameworks adequately protect both women's voting and leadership rights.

**8%** of legal frameworks that protect communities' FPIC rights also adequately protect community women's voting and leadership rights.

Of the legal frameworks that do not recognize FPIC rights, **NONE** adequately protect community women's voting rights and just **6%** adequately protect women's leadership rights.

Legal recognition of communities' free, prior and informed consent rights (FPIC) and women's governance rights go together.

### INHERITANCE



As of 2024, **70% of 104 legal frameworks fail** to address the rights of any community members to inherit forests to community forests, while **10%** refer to inheritance in a gender-blind manner.

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## KEY FINDINGS FROM ASIA

MARCH 2025



*"We have a great role to conserve the natural forests, something that we have been doing for generations."*  
– Nimi Sherpa, member of the Asia Indigenous Peoples Pact (AIPP)

The study analyzed **27 legal frameworks** that regulate community forest tenure in **11 Asian countries**.



### WHAT IS A COMMUNITY-BASED TENURE REGIME (CBTR)?

A distinguishable set of national, state-issued laws and regulations governing all situations under which the right to own or manage terrestrial natural resources is held by a community.

### KEY FINDINGS

- The Asian countries analyzed reflect the **greatest degree of proportional advancements** for Indigenous and local community women's legally recognized rights to community forests between 2016 and 2024.
- However, several analyzed countries actively diminished community women's forest rights through regressive legal reforms, and Asia is the only region where not all countries provide Constitutional Equal Protection for women.

### OVERARCHING LAWS

Constitutional Equal Protection

- Indonesia** is the only country across all regions analyzed that does not provide Constitutional Equal Protection in Asia.
- 64%** of Asian countries analyzed have general legal provisions affirming all women's property rights.
- In Asia, only Nepal provides equal inheritance rights for daughters, wives, and women in consensual unions.

**SPOTLIGHT: Thailand's** Constitution of 2017 provides for the equality of men and women under the law and prohibits discrimination on the basis of sex, an improvement from 2016.



### COMMUNITY-LEVEL LAWS

- Asia leads among the regions analyzed in the proportion of adequate protections for women across **4 OF THE 5 CBTR-SPECIFIC INDICATORS** (Membership, Voting, Inheritance, and Dispute Resolution)
- Only **1** legal framework (Scheduled Tribes and Other Traditional Forest Dwellers Land in India) adequately protects women's community-level voting and leadership rights.

### REFORMS

#### Positive

**Indonesia, Hutan Adat (Customary Law Forests), Hutan Kemasyarakatan (Rural or Community Forest), and Kemitraan (Partnerships):** 2021 regulation explicitly recognizes women as community members across three

**Lao PDR, Village Forestry:** Community women's dispute resolution rights within Village Forestry receive adequate recognition thanks to provisions applicable to all women in the 2019 Law on Gender Equality.

#### Negative

**Viet Nam, Forestland Allocated to Communities:** The 2024 Land Law diminished community women's recognized rights to Membership and Inheritance.

**Cambodia, Community Protected Areas:** A new 2023 Environmental Code removes provisions establishing the National Committee for Conflict Resolution on Protected Area Management (NCRPAM).

#### Gender-blind

**Indonesia, Hutan Adat forests:** A 2021 regulation recognizes the rights to inherit customary forests for the first time, but provides no explicit legislative protection for community women's inheritance rights.

**Myanmar, Community Forestry Concessions and the Philippines, Protected Area Community-Based Resource Management Agreements:** New legal provisions in 2019 in both CBTRs establish community dispute resolution mechanisms for tenure disputes, with no recognition of the rights of community women within these mechanisms.

### LIVED EXPERIENCES

In **THAILAND**, there are no statutory provisions explicitly affirming women's property rights, yet there are matrilineal practices within Thai society through which land ownership is often traditionally held by and through women.

In **LAO PDR**, despite a 2019 Law on Gender Equality recognizing women's equal rights to property and inheritance, the new Land Law adopted in the same year removed a prior provision requiring married women to be included in the land registration of matrimonial property.

In **CAMBODIA**, language in policies is better at recognizing women's rights than statutory provisions. While community women's governance rights lack adequate protections within laws regulating Community Forests, the Ministry of Agriculture, Forestry and Fisheries' non-binding Gender Mainstreaming Plan for 2022–2026 sets a target of 15–20 percent of women representatives in the Community Forest Management Committees.

In **NEPAL**, Community Forests afford both Indigenous and non-Indigenous communities with rights of forest ownership, and key provisions require women's participation in the governance of Community Forest User Groups. However, Indigenous and Dalit women often find themselves excluded from decision-making, particularly in Community Forests dominated by non-Indigenous Peoples. As a result, they are frequently denied the right to exercise their ancestral practices and livelihoods.

Since the military coup in **MYANMAR**, constitutional provisions which protect the ability to enact customary laws have reportedly been used by the State Administrative Council to revoke the rights of communities, particularly as it relates to the exercise of cultural practices, impacting the recognition of customary rights of communities, and the women within them.