

Engendering Access to Justice

Grassroots women's approaches to securing land rights



HUAIROU COMMISSION
Women, Homes & Community



*Empowered Lives.
Resilient Nations.*

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Credits

This study was funded by the UNDP Bureau of Democratic Governance and coordinated by the Huairou Commission. Birte Scholz, a member of the Huairou Commission's Global Advisory Board developed the research concept. Katia Araujo, the Huairou Commission's Deputy Director of Programs, Community Resilience, Land and Housing Campaign managed the study and supervised the fieldwork.

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Front Cover: Women from Longido District, Tanzania return home after a meeting led by MWEDO on their work conducting this action research. (Photo: Katherine Shelley)

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Foreword

The “Engendering Access to Justice—Grassroots Women’s Approaches to Securing Land Rights” community-based research project comes at a critical moment. While many African countries have recently undergone constitutional and policy reform, customary justice systems remain the primary sources for community dispute resolution and land governance. At a time when neither statutory nor customary justice systems fully work for women, grassroots women across Africa have begun to build their own land agenda and community mechanisms to ensure justice in their communities.

This research report presents grassroots women’s approaches to accessing justice and land and the strategies they developed to address justice problems in their communities. The Huairou Commission and its member groups are uniquely positioned to showcase this work in seven African countries: Cameroon, Ghana, Kenya, Tanzania, Uganda, Zambia, and Zimbabwe.

Grassroots women originally came together as groups of home-based caregivers working to lessen the impact of HIV/AIDS in their communities. As they began to understand the extent of land grabbing and the disinheritance of women in their communities, they organized to create mechanisms to assess, monitor, and stop these problems. The Huairou Commission has supported these groups’ work to increase women’s access to justice and control over land and property by facilitating the organization of peer-learning processes, the exchange of community-led strategies, and the building of collective power to influence the global dialogue on land. In collaboration with partners, the Huairou Commission founded Women’s Land Link Africa (WLLA), a pan-African platform on African women’s land and property rights that the Huairou Commission coordinates with its regional partners.¹ WLLA’s aim is to counter the usual top-down development model by creating a space for grassroots women to collectively develop their own land and housing agenda. The Engendering Access to Justice research was made possible by this rich organizing history.

By working within the WLLA network, the Huairou Commission was also strategically positioned to ensure that this community-based research was conducted in a truly participatory manner. The Huairou Commission was able to conduct the research process with the direct input of grassroots women, ensuring that the results of the research would respond to their needs and priorities and contribute to their empowerment. As a result, grassroots women have geographically expanded and advanced their work. They have gained increased recognition for their contributions and strategies to advance women’s access to justice, including peer-to-peer learning processes, working with diverse stakeholders, and developing teams of community leaders who can organize community watchdogs and train community paralegals.

The Engendering Access to Justice research is aligned with the *women’s access to justice* and *legal empowerment* work overseen by UNDP’s Democratic Governance Group in the Bureau of Development Policy—work funded through its Global Thematic Programme for Accelerating Access to Justice for Human Development. Responding to the growing need for a balanced approach to accessing justice and an increasing emphasis on legal empowerment methodologies, Huairou Commission, with support from UNDP, is leading the development of policy on effective approaches to engaging with community-based and informal justice systems to ensure sustainable human-centered justice reform in Africa and beyond. This research builds on UNDP’s knowledge base and the recent UNDP, UN Women, and UNICEF publication, *Informal Justice Systems: Charting a Course for Human Rights-Based Engagement*² (2012). This publication provides insight into the strategies and approaches that grassroots women have developed and refined to improve land justice in Africa.



UNDP's policy and programs help bridge the gaps between local and community-based grassroots legal activism and upstream government policy-making and justice reform. This research will be an important tool in the hands of development practitioners working on rule of law, land governance, and access to justice in countries with plural legal orders. It is dedicated to the incredible work that women on the ground are doing to ensure that they are taking charge of their own development agenda, and building the structures and organizational capacity to implement community justice and effective land governance.

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The Grassroots Research Team comprised Ntankah Village Women Common Group (Cameroon); Grassroots Sisterhood Foundation (Ghana); GROOTS Kenya; Maasai Women Development Organization (Tanzania); AWARE, Slum Women in Development, and UCOBAC (Uganda); Katuba Women's Association (Zambia); Ntengwe, Ray of Hope, Seke, and ZPHCA (Zimbabwe).

This study benefited from eight years of work led by Women Land Link Africa (WLLA) members, including validation workshops conducted in Kenya, Tanzania, Uganda, Zambia, and Zimbabwe, and other external reviews. Special thanks to Jan Peterson and Esther Mwaura-Muiru, founders of WLLA; Sandy Schilen, GROOTS International; Francisco Padron, UNDP Regional Bureau for Africa; Theresa Barnes, University of Illinois, Champaign-Urbana; Gaynor Parazda, PLASS Institute for Poverty, Land and Agrarian Studies; and Dr. James Pritchett, African Studies Association.



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Large wall map, Katuba, Zambia

(Photo: Regina Pritchett)



Grassroots women in Longido District, Tanzania, participate in a baraza (assembly) about their work on this action research, led by the Maasai Women Development Organization (MWEDO). (Photo: Katherine Shelley)



I. INTRODUCTION

Women's access to property is critical for their economic security and for the economic security of their children. When women own their own assets, they also have more independence and a bigger role in decision-making in their households and communities. All this helps improve the strength and prosperity of societies. But around the world, women find obstacles in their way to owning property. Long-standing traditions which put all land and property in the hands of men, inadequate laws, ineffective courts and a lack of education conspire against women's legitimate rights to assets. These traditions and legal barriers often damage women, their families and development efforts.

Slum Women's Initiative for Development (SWID), Uganda

With the support of UNDP, this community-based research project examined how grassroots women in Africa address key development challenges using innovative approaches for achieving justice in relation to land disputes and gender-based violence brought about by disinheritance and gender discrimination. The study involved 70 communities across seven African countries—Cameroon, Ghana, Kenya, Tanzania, Uganda, Zambia, and Zimbabwe—where women face challenges in accessing their rights to land. Overlapping and sometimes opposing customary and statutory legal frameworks make it difficult for women to understand what their rights are or how to negotiate a path to justice in relation to land disputes.

Over the past decade, grassroots women in these seven countries have been working collectively to build momentum to develop their organizations' strategies, leadership, and voice so that they can advocate for themselves, influence customary tenure systems, and regain their rights to land. The 12 partner organizations involved in this project are all members of Women's Land Link Africa (WLLA), a collective action initiative on African women's land and property rights that has been coordinated by the Huairou Commission's Land and Housing Campaign and its local partners since 2004.³

The community-based study has three purposes:

1. Highlight the multitude of issues and challenges facing African women in relation to land and property.
2. Document the main strategies that grassroots women's groups are using to help women attain justice, either by working within or influencing customary legal frameworks, or by assisting women to access the court system, in order to develop a cohesive series of strategies for grassroots women-led groups to use in achieving justice in relation to land and property.
3. Provide evidence that can be used to insert grassroots women's perspectives and practices into the existing development discourse on women's access to justice in relation to land and property, particularly within the African context.

This publication is intended for use by grassroots women's groups, development policymakers, and development practitioners. Hopefully the insights from this study can be used to strengthen the linkages among these constituencies so that they can take a more coherent, unified, and constituency-driven approach to improving the situation of African women in relation to land and property rights.



Engendering Access to Justice examines the ways grassroots women navigate various land tenure systems, the contexts in which this dynamic struggle is taking place, the opportunities for grassroots women to intervene on land issues, and offers recommendations for future action. Following this Introduction, Section II summarizes the historical process that led to the current situation in which women may be deprived of their rights to land. Section III describes the grassroots women's groups involved in the study and the strategies they have developed to address land disputes. Section IV describes the methodology of the research process and the involvement of grassroots women in developing the framework and implementing the research. Section V provides an overview of the findings from surveys, focus groups, key informant interviews, and organizational reports. Section VI outlines conclusions and recommendations for future work.



Katuba Women's Association: Women from Kantupu Women's Club in Zambia, Karuba constituency, Chilo ward, headman Mbongolo's village. (Photo: Regina Pritchett)



II. HISTORICAL CONTEXT OF WOMEN'S LAND RIGHTS IN AFRICA

While it is difficult to generalize about historical gender relations in the seven countries included in this study, there are common themes. Although we can find examples of matriarchal societies, the majority of societies were patriarchal to various degrees. While men often made agricultural decisions and maintained responsibility for livestock, women typically had traditional rights to use land for household food production, foraging, and ceremonial purposes. Historically, land and water were treated as common goods, accessible to all community members to meet their needs.

The introduction of colonial rule at the end of the 19th century had a catastrophic impact on African culture, including the disruption of indigenous tenure systems. This in turn had a profound, specific impact on women. European settlers typically expropriated large parcels of land, often relegating Africans to the least productive areas and in some regions creating reserves for the African population to live in. In many areas, private land ownership was also introduced, which resulted not only in the loss of land accessible to the African population, but also to a change in women's relationship to the land. When Africans did purchase land, the title was given to male heads of households. Women's usufructory (usage) rights to land were not recognized by the colonial powers and women were often alienated from land that they had tilled for generations.

Colonial powers also encouraged the production of cash crops for export purposes. While women were frequently responsible for planting and tending these crops, the proceeds from the harvests were paid to men. Women's access to land for household food production was also threatened or limited as more land was used for cash crops.

In many parts of Africa men were forced or coerced into wage labor, either on white-owned farms or in the newly emerging cities, sometimes to pay for taxes that were imposed on the general population. Women remained in the rural areas tending crops and livestock, but often without access to the proceeds of their work. Traditional family and community relationships were ruptured by these spatial separations, the new wage-based economy that was being introduced, and the process of urbanization.

Without formal title to land and with changing societal norms, women found themselves losing their traditional rights to land and inheritance. While independence movements across the continent brought great changes to Africa in the 1950s, 1960s, and 1970s, the new constitutions and legislative frameworks that were developed by educated male elites usually did not consider women's rights—including women's rights to inherit or own land.

The case study that follows outlines the experience of the Shona people who inhabit much of central and northern Zimbabwe. Their story illustrates many of the factors that have contributed to the complex and sometimes contradictory legal frameworks that impact African women. This example resonates with many other people throughout Africa.



The case of Shona women

Prior to 1890, Shona society, like many African societies, was based primarily on subsistence agriculture and the cultivation of food crops and cattle rearing. Some of the agricultural tasks and responsibilities of the Shona were gender specific while others were shared or flexible. Men were generally responsible for clearing new fields and preparing the ground for planting; women typically did the planting and weeding; and the whole family shared the task of harvesting. Men had responsibility for cattle, the signifier of wealth and status. Older men controlled labor and the distribution of land and wives, making the major decisions affecting a community and playing a predominant role in the spiritual realm, although women also had roles as spiritual mediums. Polygamy was accepted and men could increase their status and the land they controlled by having more wives and children laboring for them (Schmidt,⁴ Folbre⁵).

Although individual women in Shona society wielded influence to a greater or lesser degree in their homes and communities, this influence was usually indirect and dependent on their relationship to men—husbands, brothers, or sons. An unmarried girl had very limited status. Upon marriage, however, her bride wealth—the ‘lobola’, paid by the groom—brought resources to her family, while her husband acquired her reproductive capacity and her labor. Women’s influence could be expected to grow as they aged and if they produced a number of children. Women who were midwives, healers or spirit mediums also held special status. Some women achieved the position of headwomen and even chiefs, but they were the exception and often owed their status to their relationship to powerful men. (Schmidt; Folbre; Batezat, Mwalo, and Truscott⁶; and ZWRCN⁷)

Colonial rule devastated Shona society in a number of ways and the British/Roman legal system that was introduced contributed to women’s subordination. Under the new laws, women were perpetually viewed as minors under the guardianship of husbands, fathers, or other male relatives regardless of their age, education, or marital status. It was not until 1992 that the Legal Age of Majority Act was passed in Zimbabwe, stipulating that every person over the age of 18 was considered to have full legal capacity. As minors prior to 1992, African women could not enter into contractual agreements, open bank accounts, take out insurance, get a job, dispose of property, or make decisions regarding their children without their guardian’s consent. A woman’s wages also belonged to her husband. A woman could only inherit land if she was married by Christian or civil law and her husband had left a will; without a will, inheritance was deemed to follow customary law and all property would go to the eldest son or nearest male relative.

In May 2013, a new constitution was passed that mandates gender equity and protects women’s rights. This should have a profound impact on women’s rights related to inheritance, marriage, and divorce but it is likely to take considerable time before the general population becomes aware of and accepts these changes.



New challenges: rapid urbanization, HIV/AIDS, and land-grabbing

Though Africa has traditionally been, and still is, heavily dependent on agriculture, the continent is quickly urbanizing. At the turn of the last century, less than 5% of the population was urban. During the period of independence in the 1950s, this number rose to around 15%.⁸ As of 2010, 36% of the population lived in urban areas. By 2025, African cities will account for 85% of the population.⁹ Increasing competition for land and other natural resources, including extractives, has resulted in significant pressures on traditional and customary land rights and use. This in turn is impacting women's lives and livelihoods.

Over the past two decades, the HIV/AIDS pandemic has had a devastating impact on African women, including their access to land. In 2011, of the 23.5 million people living with HIV in sub-Saharan Africa, 58% were women.¹⁰ Women appear to be more susceptible to the disease and tend to shoulder most of the responsibility for caring for family members who are ill. They are often blamed for the disease and ostracized by their communities. When a husband dies without leaving a will or if he does not have an adult son to inherit, the husband's male relatives may claim his land and property under traditional law, leaving the widow and her children destitute.

In the past few years, Africa has been threatened by new forms of large scale land acquisition or "land-grabbing" by multinational companies and foreign governments interested in purchasing or leasing large tracts of land for biofuel production, extractives, industry, forest conversions, and food production. Since 2008, when there was a spike in world food prices, this process has been accelerating. Africa is the prime target of the resulting land rush. In 2010, a report of the Global Land Project revealed that the amount of land negotiated or under negotiation in Africa could be equivalent to an area the size of France.¹¹ While foreign investment may bring new employment opportunities, it often comes at the expense of small landholders and the poor, particularly those who have usage rights on customary or traditional lands. Women are greatly affected. Often only elites benefit from the sale of land, while small holders or those using communal land receive little or no compensation when land is sold. The International Land Coalition reported:

The poor are bearing disproportionate costs and of course the majority of the poor are women. [But] the poor are...reaping few of the benefits, because of poor governance, including the weak protection of their rights, corrupt and unaccountable decision-making, the sidelining of their rights within trade regimes, and the policy of neglect of smallholder agriculture. Women are particularly vulnerable.¹²



The urban roofscape in Lusaka, Zambia

(Photo: Regina Pritchett)



Changing laws and women's constitutional rights

Laws have been reformed or created in many African countries over the past two decades and in some areas women have been accorded rights equal to men under statutory law. In all seven of the countries covered by this study, however, customary law also remains in place. In many instances, when customary law applies, women's rights are excluded in areas related to adoption, marriage, divorce, and inheritance. This means that a woman's marital status may be a major factor in determining her right to inherit land. If a woman is married under church or civil law, and if she is listed as joint owner on property, she will usually inherit household land and property. But if the marriage is not registered and she is not listed on the title, the situation becomes much more complex and customary law may apply. To further complicate the issue, customary law is not always written down since it may be applied flexibly and in a variety of ways in different regions of a country.

In Zambia, for example, the Deceased Estates Act allows a widow to inherit land owned by her husband, although this only applies to widows married according to the marriage act. In some countries, while widows are allowed to continue occupying property during their lifetime, ownership reverts to a son or the husband's relatives upon her death.

Even when women have marriage certificates and hold joint title to land, community pressure to adhere to traditional practices may force them to abandon their property, particularly if *the woman* is refusing to be inherited by a male relative (a common custom in many regions). Thus women are caught between differing sets of laws and are under pressure to conform to traditional practices.

In this context grassroots women's groups have organized themselves to work with and educate community members, chiefs, and local leaders, so that they can *jointly* redefine social values and norms, and find ways of achieving justice for women through traditional channels, or when necessary, through statutory, judicial processes.



Josephine Auma, a grassroots leader, speaks at a refresher training for community paralegals in Kaabong, Uganda. This training was part of the ongoing knowledge exchange between UCOBAC and AWARE, two implementing partners in the action research linked through the Women's Land Link Africa (WLLA) platform.

(Photo: Katherine Shelley)



III. GRASSROOTS WOMEN’S GROUPS AND THEIR STRATEGIES TO IMPROVE ACCESS TO JUSTICE

Twelve grassroots women’s groups in seven countries participated in this study. They were selected because of (a) their experience working with land justice issues; (b) their core access to justice strategies; (c) the political, social, and legal context of their work; (d) their projected baselines for measuring success; and (e) their ability to carry out a research project.¹³ The following table presents the country, group name, and location of the work of these twelve participating groups in a variety of urban, peri-urban, and rural areas.

Table 1. Participating grassroots women’s groups in seven countries

COUNTRY	GROUP	AREAS OF WORK
CAMEROON	Ntankah Village Women Common Initiative Group	Rural
GHANA	Grassroots Sisterhood Foundation (GSF)	Urban & rural
KENYA	GROOTS Kenya	Urban & rural
TANZANIA	Maasai Women Development Organization (MWEDO)	Rural
UGANDA	Action for Women and Awakening in Rural Uganda (AWARE)	Rural
	Slum Women’s Initiative for Development (SWID)	Rural & peri-urban
	Uganda Community Based Association for Women and Children Welfare (UCOBAC)	Urban & rural
ZAMBIA	Katuba Women’s Association (KWASSOC)	Peri-urban
ZIMBABWE	Ntengwe for Community Development	Rural
	Ray of Hope	Rural & peri-urban
	Seke Rural Home Based Care	Rural
	Zimbabwe Parents of Handicapped Children Association (ZPHCA)	Peri-urban

Though all of the groups work on issues related to inheritance and women’s rights to land and property, some work with particular groups of women. Ntankah in Cameroon was initially formed as a collective farming group that focused on agricultural and rural development. MWEDO also works in rural areas with Maasai women and Ntengwe works in both rural and urban areas in western Zimbabwe. The Grassroots Sisterhood Foundation in



Ghana and Ray of Hope in Zimbabwe were both founded to support women survivors of domestic violence. GROOTS Kenya, AWARE and SWID in Uganda, and Seke in Zimbabwe have organized voluntary home-based caregivers supporting people living with and affected by HIV/AIDS. UCOBAC was originally established in 1990 to assist the estimated one million orphans present in Uganda after the civil war, but over the years it has evolved and now focuses on the women who take care of children. The Zimbabwe Parents of Handicapped Children Association (ZPHCA) was developed to promote the welfare and rights of children with disabilities and their families, who often face both social stigma and limited services. Mothers of handicapped children may also be abandoned by their husbands or disinherited.

Strategies used by women’s groups in accessing land justice

The 12 groups used strategies developed to help women educate members of their communities, assist women with land claims, and work with local leaders to bring about change in land disputes. These strategies are highlighted in the graphic and described below, using examples of actual experiences of women’s groups. Appendix 3 provides examples of additional specific strategies that grassroots women’s groups have developed to increase access to justice for women in disputes over land and family issues.

1. *Community sensitization and training*

Information about women’s rights in both customary and statutory legal frameworks is the starting point for work at the local community level. Community training sessions for grassroots women, community members, and local leaders are key in generating discussions about women’s rights to land and property, providing an understanding of how women’s customary rights may have been eroded with the advent of colonial systems, and clarifying how legal reforms and national legislation may impact women’s rights.

Some groups such as the Grassroots Sisterhood Foundation in Ghana, UCOBAC in Uganda, and Katuba in Zambia use local radio stations to provide information to local groups. Other groups, such as Ray of Hope in Zimbabwe, provide specialized training in legal skills such as how to write a will.

The work of Ntankah Village Women’s Common Initiative Group (NVWCIG), provides a good example of the use of this strategy. Founded in 1996, Ntankah is a grassroots women’s self-help group of farmers who are located in peri-urban and rural parts of the North-West Region of Cameroon. Ntankah works to move women out of poverty, and to empower them to participate in their own and their communities’ development.





Ntankah described its challenges related to women, land, and access to justice:

The existence of legal plurality between formal law and informal traditional customs and practices meant there was a “fuzziness” that resulted in women being exploited on account of their gender and ignorance on how to navigate the complex procedures and cost often involved in engaging these channels.

To address these issues, Ntankah has established a wide array of practices. Grassroots women lead community dialogue processes to sensitize and mobilize the community, often working in partnership with traditional leaders who address the majority of local criminal and civil cases. Rulings within these traditional arbitration and mediation systems are sometimes based on non-codified traditional norms, but are most often made without explicit reference to either state or customary frameworks and influenced by personal and subjective assessments. Thus, raising awareness of women’s gender justice within the larger community directly effects the decisions traditional leaders make and the ability of grassroots women to access justice.

Mpummudde, a group in Uganda, described how its uses traditional introduction ceremonies as part of awareness building:

Whether we have been invited or not, we ask the Master of Ceremony to give us an opportunity to caution the would-be couples on issues to do with property and land; and because the girl’s parents are the host and benefit most from these messages, they will always allow us to send a short but meaningful message.

2. Community mapping

Community mapping is a participatory process for consciousness raising that involves grassroots women in interviewing community members about key issues affecting women’s well-being, collectively analyzing the origins of these dynamics, and short listing actions that would restore or enhance women’s standing. It is a useful practice when a group wants to know more about specific situations or problems related to women’s land and property rights, such as instances when widows or second wives have lost access to land. The mapping process engages community members in a structured way so they can also learn about community needs and resources, document their findings, and report back to other community members at a general meeting. Power mapping, a refinement of this model, is an advocacy strategy that identifies key stakeholders in the community who may play a role in bringing about desired changes.¹⁴

In Tanzania, MWEDO undertook a process of mapping related to land in their member communities. The Tanzanian Village Land Act of 1999 provides customary rights of land occupancy, including women’s rights to customary land, equal in legal standing to statutory rights of occupancy. However, many Maasai, particularly women, are not aware of these rights and consequently are left out of decision-making processes and denied their rights to land and property. MWEDO sought to change this by involving women in gathering information about their communal land, providing training on the Village Land Act and land administration processes, and working in ten villages to help some 850 women to gain individual and collective land allocations.

3. Local-to-local dialogues

Local-to-local dialogues involve talks among grassroots women’s groups, local leaders, and authorities that are organized for the purpose of negotiating with and influencing local authorities to advance women’s pri-



orities and concerns. Women's groups prepare thoroughly for these meetings and come with facts and documents (sometimes gathered through community mapping processes) about the issues that concern them and strategies for insuring that they become part of the public leadership for monitoring and addressing their priorities.

In Zimbabwe, Seke has developed the "Changing the River's Flow" program that works with communities to collectively address cultural practices and behaviors that are harmful to women or are contributing to the HIV/AIDS pandemic in their communities. Over the past seven years, the organization has engaged multiple stakeholders: community residents, chiefs and headmen, spiritual mediums, legal officials, and social workers in a series of dialogues. The goal of the program is to modify community practices, such as disinheritance of widows and orphans, to meet the needs of all community members, and decrease discrimination against women. It is a highly successful program that has fundamentally altered the way conflicts are resolved in the community.

Also in Zimbabwe, Ntengwe's work focuses on engaging community stakeholders, including men, traditional leaders, and police. Community paralegals trained by Ntengwe are now included on village development committees and are becoming an accepted part of the local court system providing testimony that adds context to cases.

Conflicts and misunderstandings can be resolved through arbitrations in either a government or traditional court. In Ghana, for example, Grassroots Sisterhood Foundation (GSF) was founded in 2000 as a support group for women and girls suffering from domestic violence who were unable to access justice from either the traditional or the formal courts. While use of the government court systems is more common among women living in urban areas such as Tamale, the town where GSF is based, in the rural areas where GSF works women generally do not attempt to access the formal system unless there has been a severe incident of violence or abuse. Instead, women take their cases to clan heads and their chief. This practice may provide inexpensive and swift resolutions, but it can also be subject to the personal opinions and prejudices of the chief or elders whose norms are often based on patriarchal values and systems.

GSF engages traditional chiefs and local government authorities to review customary practices that discriminate against women's land rights, to facilitate the inclusion of women in community decisions and increase women's representation in local governance. At the heart of GSF's work is the process of changing cultural norms and negative community attitudes in order to ensure that women live in an environment where they are able to access justice, land, and livelihoods without facing discrimination in their communities.

4. Community justice volunteers (community paralegals)

Community justice volunteers or "paralegals" are community members who have been trained in basic legal issues and methods of advocacy and can provide support and referrals to women or girls facing land- and property-related problems. They function as intermediaries between community members and both customary and formal justice systems. They counsel women and girls on the channels and most appropriate methods for accessing justice, and may also assist in filling out legal documents or gathering information that is needed for customary or court proceedings.

Slum Women's Initiative for Development (SWID) is a women's organization that has worked in the rural and semi-urban Jinja District of Uganda since 2003. Founded by slum women, SWID was established as a response to systematic housing evictions led by the Jinja Municipal Council. Using the training they received at the



WLLA Land Academy and at a follow-up exchange on community paralegals with GROOTS Kenya, 12 SWID members trained 37 community paralegals in their communities. The community paralegals learned about statutory laws, justice processes, and how to refer women to the proper resources. They have since been established as a *tertiary justice mechanism* that works in tandem with the traditional and statutory justice systems. As SWID's community paralegals have worked, their prominence in the communities has grown. These trusted and visible members of the community reported: "We are regarded as important women; we now have a say in our community and policy leaders consult us."

5. Community watchdogs (whistle blowers)

In response to the increase in female disinheritance in communities devastated by HIV/AIDS, GROOTS Kenya (GK) pioneered the "Watchdog Model." GK trained and organized caregivers to be watchdogs who form community groups that collectively address problems and proactively intervene in cases of disinheritance, child labor, and domestic or sexual violence. *Watchdog groups* work closely with customary leaders and community elders to influence their decisions on issues affecting women's disinheritance and dispossession. Community watchdogs identify situations where disputes have arisen or might arise and bring these situations to the attention of the community and community leaders so that women's property rights will be protected. They may also assist victims in building their cases, seeking support for them at the community level, or mediating between a victim and local authorities. Mediation and partnership building skills are critical for this role.

The Zimbabwe Parents of Handicapped Children Association (ZPHCA) is an identity-based network of 23 support groups of mothers who are parents of children with disabilities. The groups are located in rural, peri-urban, and urban communities. Some of ZPHCA's members have received basic training on "whistle blowing" and are encouraged to stand up for other women and community members when injustice occurs. During biweekly meetings, group members discuss community issues and elect members to "blow the whistle" by going to the headman to report cases of discrimination or abuse of handicapped children or their families. As a result of bringing these issues to the headman, some chiefs and headmen are forming relationships with the support groups in order to better support women in the community.



6. Partnerships with key stakeholders

Partnerships with community resources or influential leaders can be critical in scaling up activities and ultimately changing public opinion related to women's access to justice.

Theresa Makwara (left), leader of the Zimbabwean Parents of Handicapped Children Association (ZPHCA), organizes support groups for women in the backyard of local Headman Gilbert Tendai Mungate in Domboshava, Zimbabwe. (Photo: Regina Pritchett)



Two organizations in Zimbabwe are examples. Seke has recruited staff from the social welfare department, members of the police force, and representatives from the Ministry of Women’s Affairs and the District AIDS committee to be part of its watchdog groups. Commitment from these prominent community members assists in raising awareness in the community. Ray of Hope has developed a Land, Housing, and Property Rights Charter. Church leaders, traditional leaders, and government representatives have supported this endeavor and helped circulate it in the community.



Peer exchange with members of Katuba Women’s Association, Zambia.

(Photo: Regina Pritchett)



IV. USING AN EMPOWERMENT-BASED METHODOLOGY

This study was explicitly developed to inform and advance women’s organizing work at the local level by providing local organizations with data about their own communities as well as data from other regions of Africa, including the strategies and approaches that have proven to be effective in accessing justice in land-related issues. The study was also an opportunity for the research partners to advance their individual movement building and contribute to collective knowledge within the women’s movement.

The study used a community-based research approach in keeping with the Huairou Commission’s philosophy, supported by UNDP, of empowering grassroots women by involving them directly in all aspects of learning, organizing, decision-making, and advocacy. A key goal of the research process was to empower both the local organizations and the grassroots women who took on various research tasks, such as interviewing, documentation, data analysis, and report writing. Women from local communities had an opportunity to gain new skills and at the same time contribute their understanding of local problems, ask questions that were of particular interest, and bring their expertise to the project. In fact, local women were more likely to gain the trust and receive more candid responses from local research participants than external researchers. (The names of the local women researchers are included in Appendix 3.)

In the course of the research, 74 grassroots women and 17 staff members were trained in research methods and techniques. Many of the organizations reported that *the research process* sparked conversations with women in their communities who began to tell their stories more openly. A staff member from UCOBAC noted that it penetrated a culture of silence. The Seke group stated that “it opened doors for people who were hiding in the shadows of their husband’s abuse and really exposed a problem in the community—particularly for younger women.” MWEDO staff members indicated that the research process helped them clarify who had problems and learn about issues that had not been raised in the course of their regular work. ZPHCA also expressed the hope that the research would be a first step in designing programming and advocating for funding to address the challenges raised.

The research process was also empowering for the grassroots women involved. They gained confidence in their research skills and a greater understanding of their own land rights and options for accessing justice. One grassroots researcher noted: “We thought research could only be done by people with degrees—we are very proud of ourselves.” The women involved in the research also benefitted economically. The compensation they received for their work became a resource they could reinvest in their local community. Perhaps most significantly, the grassroots groups became subjects rather than objects of the study, capable of creating lines of inquiry that were important to their own community contexts.

Community-based research usually strives to:

- investigate a topic that is of practical relevance to a community
- involve community members and researchers in an equitable and collaborative manner (including the sharing of resources)
- provide results that can be used by the community to bring about positive change.¹⁵



Research timeline

Phase 1. Developing the research framework — February 2012

In February 2012, a two-day meeting was held in New York with Huairou staff and representatives from each of the original six groups chosen to participate in the research process. UNDP staff also attended one of the sessions. During this two-day meeting discussions focused on developing the *demographic survey tool* as well as the *focus group discussion tool*. Each group was then asked to identify communities, groups, and leaders who could carry out the various research tasks. The research methodology was then further developed by Huairou Commission staff members and a technical advisory team—an external group of academics and researchers. (See the credits on page ii.)

There were three types of data collection: quantitative surveys, focus group discussions, and key informant interviews. Summary reports from the partner organizations also included information about the local context and a preliminary analysis of the information that had been collected.

Table 2: Data collection by country, group, and data type

COUNTRY	GROUP	INDIVIDUAL SURVEYS	FOCUS GROUPS	KEY INFORMANTS
CAMEROON	Ntankah	159	8	0
GHANA	Grassroots Sisterhood Foundation (GSF)	53	0	0
KENYA	GROOTS Kenya	72	3	7
TANZANIA	MWEDO	111	6	0
UGANDA	AWARE	79	5	0
	SWID	44	5	0
	UCOBAC	61	4	19
ZAMBIA	Katuba (KWASSOC)	93	2	4
ZIMBABWE	Ntengwe	41	0	0
	Ray of Hope	410	10	0
	Seke	56	3	2
	ZPHCA	147	5	3
TOTALS		1,326	51	35



Phase 2. Quantitative field surveys — March 2012–December 2012

1. *Quantitative surveys* conducted by the participating organizations and grassroots women researchers provided demographic data (age, education, HIV status, employment status, etc.) and information on the types of problems women had experienced, where they went for help in dispute resolution, and their satisfaction with the process for resolving disinheritance and land issues. 1,326 women completed surveys, of which 1,252 surveys were usable for the analysis section of the document.

Phase 3. Qualitative data collection — October 2012–February 2013

2. *Focus group discussions* gave women a way to tell their personal stories and provide qualitative data on issues related to disinheritance and access to justice. Case studies were documented through this process. There were 51 focus group discussions: eight in Cameroon, three in Kenya, six in Tanzania, 14 in Uganda, two in Zambia, and 18 in Zimbabwe.
3. *Key informant interviews* with chiefs, elders, public officials, law enforcement officials, human rights activists, legal practitioners, and other community decision makers gathered additional information on issues facing communities and the process used to resolve land disputes. There were 35 key informant interviews: seven in Kenya, 19 in Uganda, four in Zambia, and five in Zimbabwe.

In October and November 2012, Huairou Commission staff members conducted ten site visits in Kenya, Tanzania, Uganda, Zambia, and Zimbabwe to support the process of synthesizing and analyzing the data.

Phase 4. Reporting and data analysis — January–March 2013

Each organization then submitted final reports of its work to the Huairou Commission, using common reporting tools. These reports documented the focus groups and key informant interviews, provided an initial analysis of the group's data, and assessed the value of the research to the organization and how it could contribute to future work on community justice. Huairou Commission staff and the technical advisory team then analyzed the quantitative and qualitative data, identified commonalities and emerging themes, and fed this information back to the participating organizations for confirmation and further clarification.

Training and data collection methods

The purpose of the research and data collection methodologies were discussed at two meetings of the Women's Land Link Africa network in 2011 and 2012. Coordinators or leaders from each organization then returned to their local groups to set up a process for data collection described above. This process was generally supervised by the leader or coordinator of the organization. In most cases data was collected by a combination of organization staff and grassroots women; in some cases external consultants were also involved.

Training for the grassroots women who would carry out the research typically lasted one or two days, although in one case this process was carried out over two weeks. The trainers discussed (a) the survey tool; (b) how to approach people in the community about the research and build rapport; (c) the difference between quantitative and qualitative research; (d) ethical issues; (e) interviewing techniques, such as how to avoid leading questions and the use of probing skills; and (f) note taking and recording. The trainees participated in role playing and practice interviews. One group, Seke, had a written examination to determine the literacy levels of potential researchers. UCOBAC pretested the survey tool and followed this with a feedback meeting for the researchers. In some areas, the questionnaires were translated into the local language.



Some groups held a large number of focus groups while others did not complete this aspect of the research. Ntankah described its process:

We agreed on the main issues of discussion, who would act as moderator or facilitator at each venue (the moderator leads the discussion, keeps the conversation flowing and takes a few notes to remember comments she may want to use later). The Secretary acts as note taker and one other person would operate the tape recorder.

Local contacts were used to identify suitable discussion participants and invitations were issued to a small group to attend a meeting at an agreed place and time. The ideal number of participants was six to eight, but we tried to be flexible about numbers by not turning away participants after they had arrived at the meeting (some meetings had 10–15 people present) and we emphasized that people should not be pressured to come to the meeting. Generally, the discussions were kept between one to one and a half hours. Furthermore, we ensured that all the discussions took place in Pidgin English, which is the *lingua franca* of grassroots women in these communities. However, for women who did not understand Pidgin English sufficiently, another participant would translate.

Only seven of the twelve groups carried out key informant interviews, although an eighth group conducted a focus group discussion with key informants. Again Ntankah explained its process:

A total of ten personalities were interviewed representing a cross section of legal practitioners, law enforcement officials, women human rights activists, traditional rulers, administrative officials, women leaders and grassroots women. There were five women, three men and two youth (one male, one female). The age range was 23–70. Two to three informants were interviewed per day. The interviews were conducted either in Pidgin English or Standard English. The objective of the exercise was to come out with detailed, qualitative information about impressions, experiences, and opinions related to women and access to both formal and informal justice systems. There were two women responsible for conducting the ten interviews. One woman conducted the interview and recorded key points while another operated a tape recorder.

Limitations of the data collection

There are several limitations to the research project. The groups selected for the research represent only a small sample of African countries. Within that sample, the groups in each country are active in particular regions within their countries and sometimes work with very specific communities. Thus, the results cannot be generalized to other groups or other regions in Africa.

There were also differences in the organizations' capacity to conduct research and train grassroots women, and the skill levels of the researchers involved. Although attempts were made to standardize the research process, there were variations in sampling, interview techniques, and documentation. Not all of the groups, for example, completed focus group discussions or key informant interviews. Groups were also allowed to modify the research tools and adapt the questions to their local context. While this was useful at a local level—it was intended to make the results more relevant for future organizing work—it made collective analysis of the findings more difficult.

One major limitation of the research stems from a non-uniform approach in choosing who to include in the



survey process. Two of the twelve groups (GROOTS Kenya and SWID) elected to survey their own group members, while the other groups used a more random approach and surveyed community women, some of whom were members of their groups and some of whom were not. The researchers from AWARE visited each village in a parish and randomly interviewed every woman they came across until they reached a total of twenty. MWEDO, by contrast, brought people together in meetings to complete the demographic survey. Uneven research methods also made it difficult to determine whether local partner organizations or others effectively assisted women and girls in resolving land and property disputes. Also, the interviewees were not asked to specify the number and identity of actors or organizations assisting them in accessing justice or the time frame in which they experienced disinheritance or property loss.

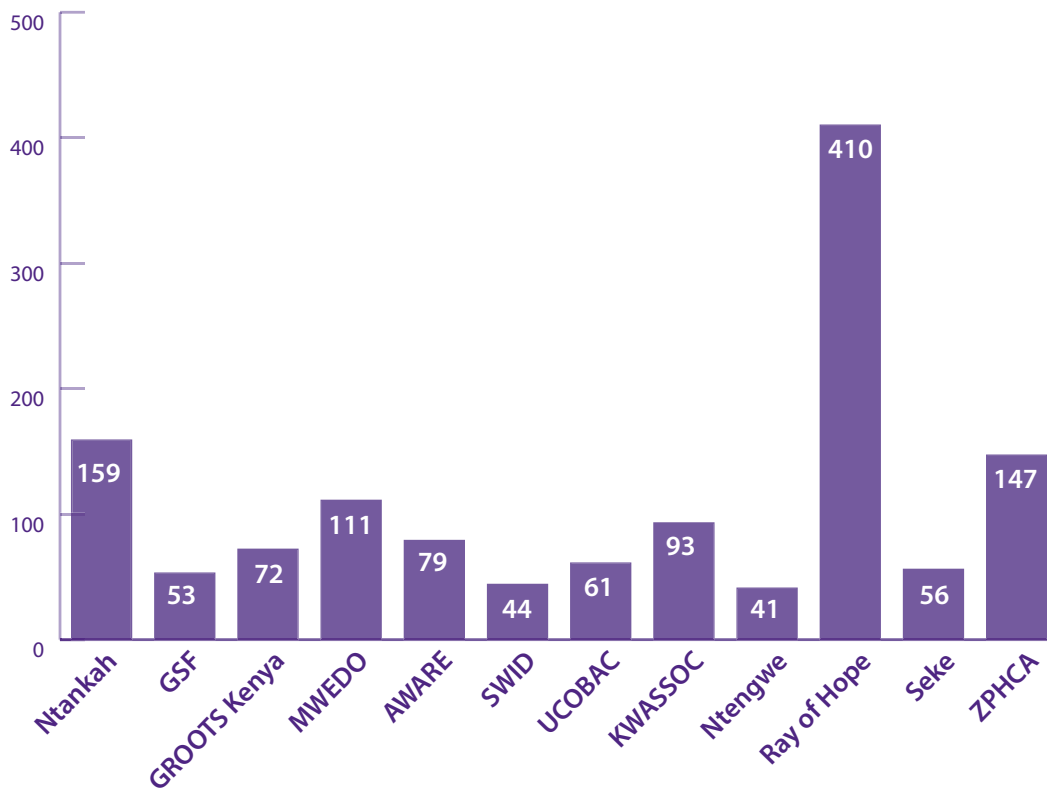


V. FINDINGS FROM THE COMMUNITY-BASED RESEARCH

Individual survey results

The findings from the individual surveys indicate that of those surveyed a large portion had land disputes, experienced domestic violence, and had high HIV and AIDS infection rates. The findings also indicate that the strategies adopted by these grassroots women’s groups have made noteworthy strides in improving access to justice for women in their communities.

Graph 1. Number of survey participants by participating group



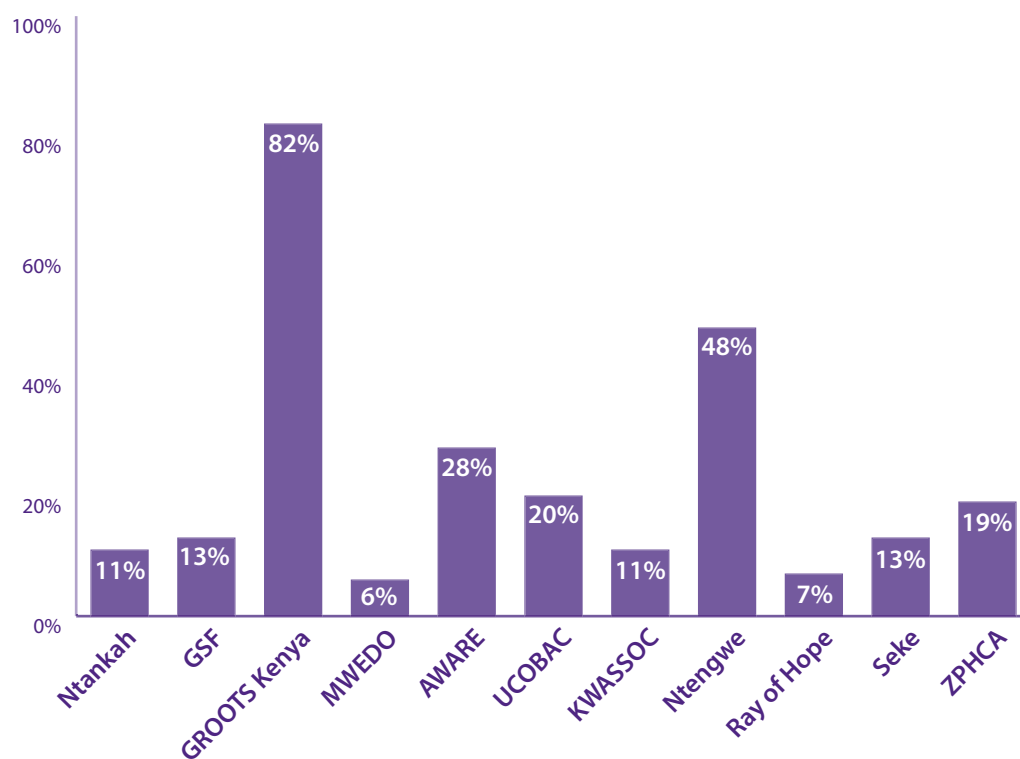
Demographics

The research was conducted over a seven-month period. Grassroots women conducted the demographic survey and participation was voluntary. Participants surveyed were members of the partner organizations as well as the general public. A generic questionnaire with a total of 45 questions was used by all twelve groups. (See Appendix 1.) Individual surveys were conducted with 1,326 women, of which 1,252 were usable for the analysis section of the document. Ray of Hope in Zimbabwe conducted the largest number of individual surveys. The average number of surveys per group was 110; excluding Ray of Hope, the average number of surveys per group was 83.



The majority of the women surveyed had children (94.6%), were not living with a spouse (51.6%), and had an educational level of primary school or lower (55%). Depending on the comfort level of the community researcher and the survey participant, women were asked about their HIV status. Of the women who responded, 23% disclosed a positive status. Since GROOTS Kenya works specifically with women who are caregivers of people with HIV, and many are HIV positive themselves, the results from this group are predictably higher.

Graph 2. Percentage of survey participants with positive HIV status by group



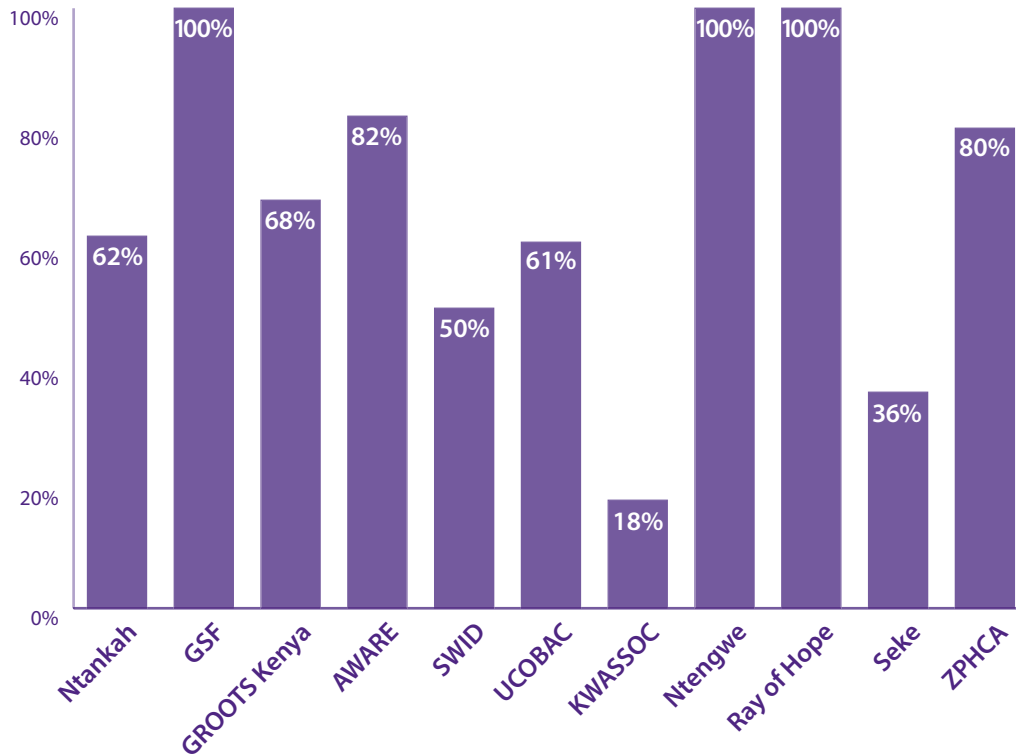
Domestic violence

In June 2013, the World Health Organization (WHO) reported that the rate of domestic violence against women was highest in Africa, the Middle East, and Southeast Asia. In all three areas, approximately 37% of the women reported experiencing physical or sexual violence.

Findings related to domestic violence from the present study are reflected in Graph 3 on the following page. Of the 1,252 surveys analysed, 74% were from women who reported that they had experienced some form of domestic violence. 100% of the women surveyed by GSF, Ntengwe, and Ray of Hope had experienced domestic violence. Since GSF and Ray of Hope were established to support women and girls suffering from domestic violence, this number is to be expected. It was not evident, however, why the rates from Ntengwe were so high or conversely why the numbers from KWASSOC were so low. In the nine groups remaining for analysis after excluding GSF, Ntengwe, and Ray of Hope, an average of 57% of the women participating in the research had experienced abuse.



Graph 3. Percentage of survey participants experiencing domestic violence



Violence in women's lives

Women reported a substantial level of domestic violence related to land issues with abuse from their spouse and other family members. Women describe this violence in the quotes below.

"Domestic violence and abuse are part and parcel of [women's] day-to-day lives. From the findings not only widows fall prey to these injustices, this applies to all statuses even to women who are married and divorced..." (Seke Rural Summary Report)

"An age-long practice of accusing women of witch craft has affected the ability of many women to be assertive to demand their [land] rights. In Northern Ghana, most accused women were very old, helpless, without children, and very poor. Their accusers claim they use spiritual means to affect their lives negatively and these women are taken through ritual trials and banished from the communities, are beaten or lynched." (Case Study, GSF)

"I used to live in a rented house with my husband. We gardened together. We grew a lot of food like cassava that he would sell but he would never give me anything after the sell of the harvest. He would beat me and chase me out of the house." (Case Study, UCOBAC)

"After my husband died, I went back to the compound but life was made unbearable as I and my three children were subjected to constant beatings by my husband's family members. I was even now accused of being the cause of my husband's death." (Case Study, Ntankah)



Of the total number of women who reported experiencing domestic violence, less than 59% stated that they had received support. Those who did have support received it mostly from family and friends.

Table 3. Sources of help in domestic violence cases

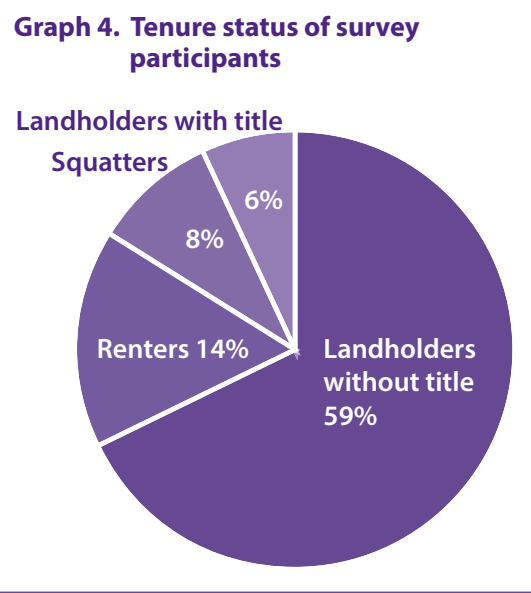
SOURCE	NUMBER	PERCENT
FAMILY AND FRIENDS	443	76%
COMMUNITY LEADERS	60	10%
POLICE	43	7%
COMMUNITY PARALEGALS	23	4%
COMMUNITY MEMBER	14	3%
TOTAL	583	100%

Land and property

Although most of the seven countries surveyed provide constitutional rights that promote and protect women’s rights to land, customary law is still recognized in many situations. Not surprisingly, the study found that land is generally still owned and controlled by men. The majority of women interviewed as part of this research were landholders. However, nearly 60% of them were landholders *without* formal titles, while only 6% of them were landholders *with* formal titles. Lack of a formal land title greatly increases the risk of land loss in the face of land commodification.

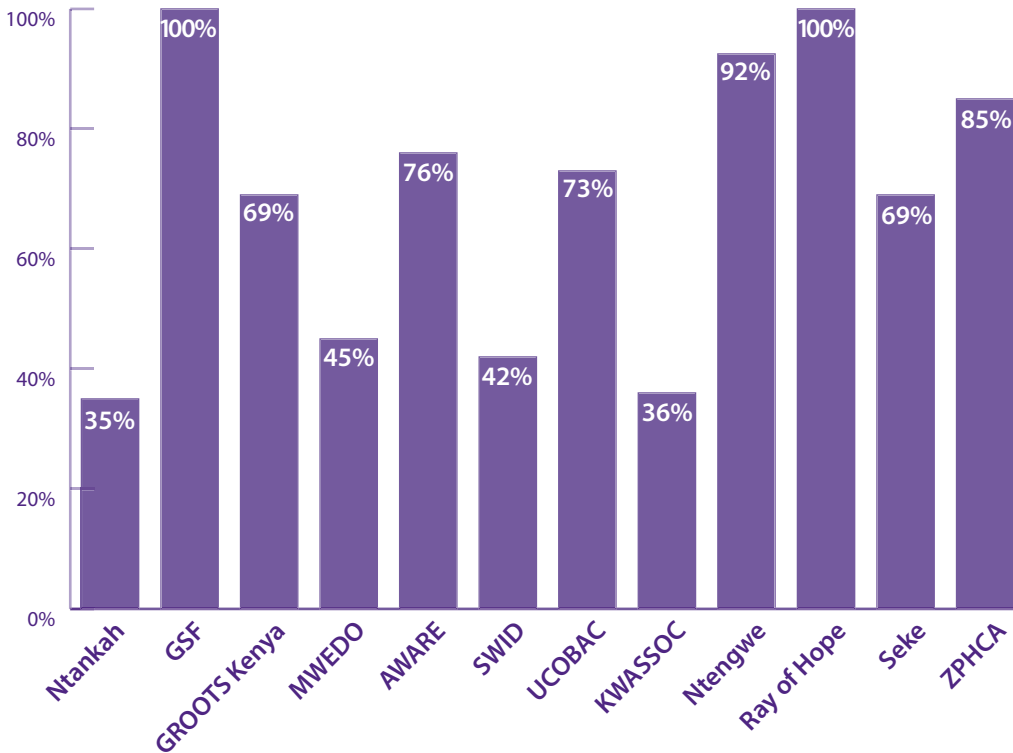
Seventy six percent of all the women interviewed declared they had experienced issues with loss of property. 100% of the women interviewed by GSF and Ray of Hope declared that they had experienced issues with loss of property, presumably because the mandate of these two groups is to work with women around issues of property loss and violence.

Of the total number of women who sought help with loss of property, 31% reported that the issues were resolved with satisfaction. However, it is not clear when these disputes took place. If the survey participants had been asked questions about land disputes that had occurred over the previous five years, the findings might have been somewhat different.





Graph 5. Percentage of survey participants reporting loss or threatened loss of property



Dispute resolution on land issues

Table 4 provides statistical data on the number of women who sought assistance with land disputes, where they went for help, and their satisfaction with the resolution. Many women sought help from more than one system. Only 9% of the contacts that were made were with formal court systems. Women reported that these mechanisms were too costly, inaccessible, involved extensive travel, and took too long—sometimes more than five years. The 130 women who reported in the survey that they did not use any mechanism to resolve their dispute were excluded from this analysis.

Of the 12 groups, women surveyed by ZPHCA had the greatest number of contacts with the formal court system. ZPHCA groups are located near Harare, Zimbabwe’s capital, where there are a number of women’s NGOs that work with grassroots women on access to land using the formal court process. These services would likely be accessible to women surveyed by ZPHCA.

A further analysis of the data indicates that the majority of women who sought help did so within their existing cultural structures, which consisted of grassroots mechanisms and village chiefs. In examining the responses of the 900 women who sought help and their 1,310 reported contacts for dispute resolution, 46% used grassroots mechanisms and 44% used village chiefs. (See Table 5 on page 24.)



Table 4. Resources used and level of satisfaction among women who sought help resolving land issues in seven African countries

COUNTRY	GROUP	The number of contacts made using five available ways to get help resolving land issues						Nbr. & satisfaction of women who sought help with land issues		
		Cmty. Org. ^a	Land Trib. ^b	Village Chief/ Auth. ^c	Cmty. Para. ^d	Form. Court Proc. ^e	Total nbr. of Contacts ^f	Total nbr. of wom. ^g	Nbr. Sat. ^h	% Sat. ⁱ
CAMEROON	Ntankah	5	4	57	56	10	132	60	42	70%
GHANA	Grassroots Sisterhood Foundation (GSF)	31	0	41	12	1	85	51	2	4%
KENYA	GROOTS Kenya	7	5	31	0	1	44	22	13	59%
TANZANIA	MWEDO	25	14	41	15	5	100	36	20	55%
UGANDA	AWARE	40	14	28	58	15	155	77	45	58%
	SWID	2	0	10	3	1	16	12	9	75%
	UCOBAC	2	1	13	22	9	47	39	9	23%
ZAMBIA	Katuba (KWASSOC)	1	5	11	1	2	20	28	13	46%
ZIMBABWE	Ntengwe	37	6	32	37	18	130	37	36	97%
	Ray of Hope	123	0	287	0	0	410	410	12	3%
	Seke	18	6	14	12	2	52	31	24	77%
	ZPHCA	28	1	20	9	61	119	97	54	55%
TOTAL CONTACTS RESPONDENTS		319 (24%)	56 (4%)	585 (45%)	225 (17%)	125 (9%)	1,310^j	900^k	279 (31%)	

Table notes:

- a. Contacts with community women's organizations
- b. Contacts with land tribunals
- c. Contacts with village chiefs/authorities
- d. Contacts with community paralegals
- e. Contacts with formal court processes
- f. Number of *contacts* with all resources made by respondents for help resolving land disputes; by organization
- g. Number of *respondents* with land disputes who sought help to resolve their issues; by organization
- h. The number of respondents who were satisfied with the resolution.
- i. The percentage of respondents who were satisfied with the resolution.
- j. Total number of *contacts* with resources by all study respondents who sought help with land issues
- k. Total number of study *respondents* who sought help with land issues



Table 5. Where 900 grassroots women went for justice

SOURCE OF HELP	NUMBER of contacts	PERCENT of total
GRASSROOTS MECHANISMS <ul style="list-style-type: none">• women’s organizations• land tribunals• community paralegals	600	46%
VILLAGE CHIEFS/AUTHORITIES	585	44%
FORMAL COURT PROCESSES	125	10%
TOTAL REPORTED CONTACTS	1,310	100%

Women reported their belief that education through a grassroots community-based approach is the best approach in their quest for land rights. They stated that this strategy is well received by all community members because it is community driven, involving all members of the community, such as village chiefs, elders, clan leaders, and local authorities. The results of the individual surveys indicate that these strategies are having a positive impact for women attempting to access land.



Veronica Katulushi, grassroots leader of Zambian Homeless and Poor People’s Federation (ZHPPF), in front of their Community Resource Development Center in George Compound, Lusaka.

(Photo: Regina Pritchett)



Results from the focus groups and key informant interviews

The purpose of the focus group discussions and key informant interviews was to gain a greater understanding of community norms and views concerning women's land and property rights. This inquiry included women who had issues with a land dispute as well as representatives from the wider community, traditional leaders, and officials. (See Appendix 1 and 2 for further details).

Ten of the twelve organizations involved in the study completed focus group discussions and six conducted a total of thirty-five key informant interviews. The questions concerned the challenges and injustices women had faced in relation to land and family matters, the ways they have sought justice, and their experiences with seeking justice.

In all of the seven countries included in the study, results from the focus groups and key informant interviews confirmed that according to local tradition, women could be disinherited from their land after the death of their husband if they did not have adult male children who could claim the property. Women also frequently encountered evictions if they were unwilling to marry the brother of their deceased husband, if their husband married a younger wife, if they were divorced or did not produce male children, and if they were found to be HIV positive.

The women who sought justice in relation to land issues reported using a variety of strategies. Generally, they began by using local allies and local justice systems (friends, family, and local chiefs) but if these methods were not successful, they might then access the court system with help from paralegals, women's organizations, or legal clinics. Sometimes bringing families together to discuss an issue could resolve it; this method usually took the least time. But the findings indicate that when women were assisted by grassroots women's groups to approach chiefs or local councils using customary law, the process could take from a few weeks to over a year. Court processes tended to take much longer and some women using this approach were still waiting for decisions after five years.

A finding of note in these interviews is that clan elders, chiefs, and local councilors have accepted and incorporated local grassroots women's initiatives—watchdogs and community paralegals—into the systems of justice in each of these countries.

The strategies recommended by focus group participants and key informants to improve grassroots women's access to justice in land and family disputes included the following:

Accessibility of services in terms of location, cost, and language

- Ensure that customary law is affordable and accessible to women
- Ensure that cases are heard in easily accessible locations
- Judge cases in local languages
- Create government positions at all levels to ensure that women's issues are addressed
- Make legal services available in rural areas



Information and training for empowerment and advocacy:

- Civic education on the constitution and property rights for women—for men, women, and traditional leaders
- Continuous education for traditional or informal justice practitioners on human rights, gender discrimination, conflict resolution, and mediation mechanisms
- More targeted training so that women can become community paralegals and watchdogs to report and monitor cases of violations as well as work with legal and law enforcement officers
- Increased school enrollment for girls so that they will be able to read and learn about their rights

Economic empowerment

- Women recognized that because they had limited economic power, they were also at a disadvantage in the customary and judicial systems. They suggested that increased access to microfinance and business training would enhance their status in the community.

Rights for women living with HIV/AIDS

- Women living with HIV/AIDS recognized that they were particularly vulnerable to violations of their rights because of their HIV-positive status and they felt that women should lobby the government to pass legislation that would reduce their vulnerability and protect them.

Promotion of women in decision-making positions in traditional and formal structures

- Elect women as clan leaders.
- Ensure the presence of women in different leadership positions from the village to district levels.
- Appoint and promote more women in the judicial system.

Collective organizing of women on issues related to land rights

- Form a coalition of women at village levels who are advocating for women's rights.
- Encourage women to join groups and when members are in trouble, face the perpetrator as a group.
- Organize women so that they can work collectively for the rights of all women in the community.

Case studies and reports from partner organizations

Groups reported on practices that have been successful in their communities. Although several of the groups use many of the practices outlined above, such as community mapping, local-to-local dialogues, and watchdogs, a number of groups have developed unique programs and practices, which are presented in Table 7 on the next page. Details of each group's work are included in Appendix 3.



Table 7. Innovative local strategies of grassroots women’s groups

COUNTRY GROUP		PRACTICES
CAMEROON	NTANKAH	Regular <i>radio programs</i> on land and housing issues allow listeners to call in with questions and debate cases in order to raise public awareness. <i>Mock land tribunals</i> are also used to provide education on legal processes.
GHANA	GSF	<i>Strategic partnerships</i> with women chiefs, queen mothers, and women community leaders who are willing to act on women’s land issues.
KENYA	GROOTS KENYA	Since pioneering <i>community watchdogs</i> , GROOTS Kenya has also been involved in <i>lobbying for gender equity at the national level</i> , including providing input for the new constitution.
TANZANIA	MWEDO	<i>Land evaluation education</i> is helping Maasai women understand the value of their land so that they can make informed decisions before selling to investors.
UGANDA	AWARE	AWARE focuses on <i>community dialogues</i> with traditional leaders, elders, police, and community members to share information and strategize about how to <i>collectively address women’s land disputes</i> when they arise.
	UCOBAC	UCOBAC has successfully used <i>local-to-local dialogues</i> bringing grassroots women who have suffered injustices together with traditional leaders, local councils, and court officials. As a result, grassroots women have obtained positions on decision-making committees.
ZAMBIA	KATUBA	Katuba has developed an <i>alternative dispute resolution process</i> using paralegals from the Zambian Land Alliance who work with women to seek resolution using either customary or statutory law.
ZIMBABWE	NTENGWE	Ntengwe has developed a male “ <i>champions for change</i> ” program which engages traditional leaders, community leaders, and the police in developing an action plan for combating gender-based violence.
	RAY OF HOPE	Members have developed a <i>Land, Housing and Property Rights Charter</i> which they have taken to traditional leaders, church leaders, the District Council, and government leaders.
	SEKE	<i>Changing the River’s Flow</i> program promotes public dialogues about cultural practices that disadvantage women and seeks ways to address injustices.
	ZPHCA	ZPHCA uses <i>innovative forms of protest</i> such as dancing on a man. They sing, dance, bang pots, and beat drums around a perpetrator to bring shame on him and gain public awareness to cases of disinheritance.



VI. CONCLUSIONS AND RECOMMENDATIONS FOR WOMEN'S ACCESS TO LAND JUSTICE

Ray of Hope realized that unless grassroots women come together, identify their unique needs and challenges, forge some form of coalition, speak with one voice, help each other in making some informed decisions and most importantly take charge of their own empowerment, then they are bound to live lives punctuated by biting poverty, vicious cycles of violence and unfulfilled dreams.

(Ray of Hope, Zimbabwe, case study)

The research highlighted the continuing vulnerability of African women to land injustice and the success of a broad approach to ensure women's access to justice developed by the grassroots women's groups that participated in and are the focus of this study. The components of the approach include strategies such as:

- community sensitization and training sessions on customary and statutory legal systems;
- community mapping;
- local-to-local dialogues with headmen, chiefs, and local leaders;
- the use of community paralegals for information, advice, and access to resources for grassroots women;
- the use of watchdogs to identify and highlight problems in a community; and,
- the development of partnerships with key stakeholders.

Conclusions

While these strategies are important, it is grassroots women's organizing around the issues and their involvement in local communities that is bringing about change in women's access to and ownership of land and property. The conclusions of this community-based research are summarized below.

1. Discussion and dialogue is the first step in developing consensus that there is a need for change. As a result of local dialogues and community education processes that involve headmen, clan heads, chiefs, and local councilors, many of these community leaders are beginning to agree that there is a need to alter customary practices that discriminate against women and to promote the idea of further education at the community level. Ongoing dialogues and education are thus crucial for grassroots women as they continue to develop means to access justice.
2. In many African countries, gender justice advocates have pushed for the reform of national legal frameworks and in many instances they have been very successful. All of the countries included in the study have statutory laws that protect women's rights, although many have exceptions for the use of customary law in relation to adoption, marriage, divorce, and inheritance. Even when the formal justice system is used, court proceedings can be very challenging and inaccessible for women due to cost, the need for legal documents, lack of transport, language barriers, the length of the process, and community pressure or threats against women who chose to go against community norms and access judicial systems.
3. Only 14% of the respondents in this research process reported that they used the formal justice system. Thus, it is evident that local justice solutions developed by grassroots women are most likely to respond to their needs and they need to continue to influence and reform both traditional and formal structures.



4. While almost 90% of women surveyed in the research process sought some form of dispute resolution, only 31% were satisfied with the process. This can be viewed as a positive result, however, considering the barriers that women face in accessing justice through customary or judicial means and the historical contexts that have limited women's right to land.
5. Women often use more than one mechanism and a number of support networks in the process of securing justice, indicating that a variety of strategies are helpful in ensuring access to justice.
6. In many regions, community paralegals are being incorporated into or serving as advisors to customary systems, such as local councils or tribunals, and providing information so that women's rights will be upheld in the process. Many women's groups have also been successful at having women appointed as advisors or elected to positions within traditional structures where they can influence the decision-making process to be more gender sensitive.
7. As women succeed in achieving justice, this in turn begins to change perceptions regarding women's rights. As one woman recounted, "I had no trouble in inheriting my land because of the education and training done by GROOTS Kenya and women's organizations."
8. In spite of the strides that grassroots women's groups are making, survey results indicate that women continue to face huge challenges in accessing justice. Seventy-six percent of the women reported issues with loss of property. Only 6% of 1,252 women surveyed held title to their land.
9. Rates of domestic violence are extremely high in nearly every community and violence is often linked to land disputes. In reporting on their focus group process, Ntankah noted, "land disputes were, without exception across all communities or locations reported as the most complex to resolve and the most likely to trigger violence and even death."
10. Stigma related to HIV/AIDS remains a major challenge for women, particularly as they are often blamed for bringing the disease into the family.
11. In many areas, there continues to be a general level of acceptance of traditional practices that contribute to disinheritance. Discrimination in the reconciliation processes may further victimize women.
12. In some areas of Zambia and Tanzania (such as Lusaka and the regions inhabited by Maasai, near Arusha), "land-grabbing" is on the increase as land is becoming more valuable and being sold off by clan leaders or men seeking to make a profit. Often women are left out of this process or are unaware of sales until new owners come to claim the land.
13. It is crucial that women persist in finding local solutions to the many challenges that remain in achieving their land rights. It is essential that they continue to engage in dialogue with local elders, headmen, and chiefs to re-assess traditional practices and adapt customary law so that it reflects current realities and communities are strengthened by women's increased access to land rights.
14. In addition to dialogues with traditional leaders, partnerships with community leaders, local councilors, local authorities, NGOs, legal services, and women's organizations are critical. These partnerships can focus attention on the issues concerning women and provide support for local work.
15. Learning exchanges among grassroots women's groups, across countries and through the Land Academy (workshops that bring grassroots women together to discuss issues related to land tenure), are important tools to enable grassroots organizations to learn from each other and adopt new practices.



Recommendations

There is clearly a need to scale up effective practices so that grassroots women, as change agents, can build movements in their local areas, nationally, and with women in other parts of Africa. Grassroots women can build on the lessons learned during this study so that women and their children in their communities can become economically secure and live free of violence. It is essential that development practitioners and multiple levels of government support this important work.

The following recommendations are divided into two sections: recommendations for grassroots women and their partners and recommendations for development practitioners.

Recommendations for grassroots women

In order to ensure that the outcomes of this research are meaningful to the grassroots women's groups and their partner organizations involved in the research, the following recommendations were developed as guidelines for future work.

1. Hold a grassroots women's academy for the 12 groups involved in the study.
 - a. Review the results of the research and consider next steps.
 - b. Share best practices and strategies such as community mapping, community forums, training for community members, community paralegals and watchdogs, local-to-local dialogues, mock tribunals, and radio programs.
 - c. Consider innovative methods for alternate dispute resolution with traditional leaders.
2. Increase capacity and resources.
 - a. Scale up training:
 - for grassroots women on elements of customary and statutory law that impact their lives
 - for grassroots women on will-writing and obtaining land titles
 - for community paralegals and watchdogs
 - b. Translate legal information into local languages.
 - c. Continue grassroots women's exchanges to share knowledge and best practices.
3. Building on this research process, develop methods for grassroots women's groups or partner organizations to continue to do their own documentation.
 - a. Document individual cases and the outcome of these cases
 - b. Document the number of women who have title to land and changes in this figure over time
 - c. Use this data to provide education at community forums and to assess progress in relation to women's access to land.
4. Continue and increase dialogues with traditional leaders to develop alternative dispute resolution processes and adapt customary laws so that they provide justice for women.
5. Encourage partnerships with multiple stakeholders, including traditional leaders, local officials, NGOs, and women's organizations, to collaborate on strategies to bring about gender justice reform.



6. Contribute to lobbying efforts for gender equity at national levels and encourage NGOs to focus their work on women's land rights.
7. Working with WLLA and the Huairou Commission, develop an advocacy strategy to gain increased funding to assist women in scaling up best practices so that grassroots women, as change agents, can build a movement in their local areas and across Africa.

Recommendations for development practitioners

Development practitioners are positioned to advocate for land tenure reform in national development policy agendas. Land tenure is arguably the most pressing issue in Africa and it is currently not sufficiently a part of national dialogues.

1. Grassroots women community practitioners should be considered leaders in their own community's development. This requires that local authorities, national authorities, development practitioners, and others take into account the strategies and views of grassroots women.
2. Development practitioners should support grassroots women community practitioners by offering: (a) technical support, (b) space to convene regular meetings, and (c) partnerships with diverse stakeholders.
3. Access to justice in development discourse should not be gender or culture neutral. Comprehensive and targeted women's access to justice approaches should be based on a gender analysis and grounded in both the national context and communities.
4. Gender empowerment is about shifting power relations between men and women. Therefore men should be engaged and incorporated, when appropriate, in developing solutions for women's access to justice to ensure sustainability of achievements.
5. Development practitioners working in the African context should take a broad view of justice and consider family and community relationships, while ensuring that this does not take place at the expense of women. While solutions that restore individual rights are important, they are not necessarily sufficient.
6. Development practitioners should support the scaling up of successful practices and grassroots women's strategies in order to influence national policies so that they will be more gender-sensitive and to incorporate these efforts in national development plans.
7. Global development policy discourse around the Post 2015 development agenda should prioritize targets on land tenure security, access to justice, and women's equal rights to land, property, and other assets in the measurement framework.



VII. APPENDICES

Appendix 1. Focus group discussions

The purpose of the focus group discussions was to gather information from the wider community, particularly traditional leaders and officials, in order to gain a greater understanding of community norms and views concerning women's land and property rights.

Ten of the twelve organizations involved in the study completed focus group discussions. Some held as many as eleven while others held only two and one group did not organize any focus groups. Most focus groups were made up of grassroots women but some included men. AWARE in Uganda held a very large focus group that included representatives from the local council, youth leaders, religious leaders, chiefs, and an NGO. Ray of Hope in Zimbabwe and GROOTS Kenya also held focus groups with local authorities, councilors, village heads, and other community leaders as well as several focus groups with local women.

The size of the focus groups also varied significantly from one group that involved 78 people (43 women and 35 men) to smaller groups with four to twelve participants. Although the groups began with a common framework of questions, these were changed somewhat to suit each locale.

Benchmarking women's private and public roles

Several of the groups asked the participants to describe women's roles in their community. The responses included an array of domestic duties and responsibilities from taking care of children to thatching roofs, collecting firewood and water, cooking, looking after the sick, taking care of livestock, and farming. Women said that they were also expected to attend parent's meetings, participate in funeral committees, provide labor for making bricks and building houses, and participate in microenterprises.

Leaders from GROOTS Kenya held separate focus groups for clan elders and for women in three different locations. Leaders asked both groups about women's roles and decision-making. Interestingly, while the clan elders indicated that women had power in some areas, the women felt that they did not have power. The men of one village said, for example: "Women are involved in decision making but do not contribute in dispute resolutions." The women in the same village stated that in relation to local public decision making at the committee level:

Women are rarely elected into the committees. Men deny their wives permission to be leaders. Their opinions are not considered and mostly they are not allowed to make decisions. Women are mainly elected in small committees and they are mainly called to cook for men during the meeting.

The clan elders, in all three areas where focus groups were held, agreed that the positions of *chairman* and *secretary of a clan* had to be held by men, while the positions of *treasurer* and the *clan guard* (keeper of utensils) could be held by women. The women stated that "women are mostly treasurers, they have no power to determine money issues—the treasurer's book goes with the secretary who is a man." Interestingly, male clan elders and grassroots women agreed that women's public leadership roles were generally confined to domestic and secretarial tasks. Both groups agreed that men were the key decision makers.

While the clan leader said that the clans were fair in executing justice at the community level, women said that they were discriminated against or negatively affected by the decisions of clan leaders. They also pointed out that it was expensive for women to access justice through the clan as women needed to pay fees (a goat, chickens, tea, flour, or money) to have their cases heard and often they were too poor to do so.



The clan elders also agreed that women's access to the resources needed to adjudicate a dispute could be very limited: "In the event a women sells her farm produce and purchases a cow, the cow still belongs to the man and thus she cannot sell it without consulting him."

Disputes, violations, and challenges facing women

Some or all of the following questions were posed to each of the focus groups: What are the major challenges that women in this community face? Has your community experienced problems with loss or threatened loss of property rights, land claims/titles or assets? What type of problem? The responses below summarize the very significant systemic challenges that women in the focus groups identified:

1. In all seven countries included in the study, focus groups confirmed that according to local tradition, women could be disinherited from their land after the death of their husbands if they did not have adult male children who could claim the property.

When my husband died, they [male relatives of the husband] chased me away from the house together with my four children." (woman from Uganda)

In 1995, we had 17 cattle 80 goats and 200 ducks. When he [my husband] passed on my father-in-law came and got everything and took them to the village in Namwala and told me that I would remain with my children because they were mine. They did not care about the children so I decided to come to Lusaka with my children where I started afresh cultivating gardens." (woman from Zambia)

2. In most of the countries included in the study, customary law allows the brother of a deceased man to "marry" his widow. If the woman refuses, she can be evicted from her home, losing all of her possessions except kitchen utensils.
3. Women said that they were often blamed for the death of their husbands, either because they were accused of giving the man AIDS or because they were accused of using witchcraft to kill him. In either case, the relatives of the deceased man claimed this gave them more reason to evict a widow from her property.
4. When their husbands married a younger wife, women from several countries told stories of being evicted from their homes. Similarly, when a husband died and left multiple wives, they reported there was frequently conflict over property after the man's death.

I am a War Vet and I received my War Veterans Compensation for the government in 1997. I went on to be married as a second wife. Using my money, we built a 5-roomed house together with my husband. All was well until the death of my husband. Upon the death of my husband, I was sent away by the extended family. We had no children together. The land and house were transferred to his surviving children. (woman from Zimbabwe)

5. Women who were divorced by their husbands or women who did not produce male children also spoke about being evicted from their land.

My husband divorced me at the Village Court through a divorce token. I appealed to the Village Court to allow me to continue staying at my matrimonial home looking after my four children. My appeal was turned down. The Headman ruled that the land was owned by my husband's clan, hence I could not continue to live there. I was ordered to vacate. (woman from Zimbabwe)



6. Women who were HIV positive reported that they could be thrown out of the family home if their husbands found out the woman's HIV status.
7. Women also recounted stories of orphans, particularly girls, being disinherited by male relatives of the husband's family.

The impact of disputes

Women were asked how they were impacted by these disputes over land and property. For those who were unsuccessful, poverty and homelessness was often the result as well as dislocation from their communities. Several women mentioned health problems—stress, high blood pressure, and depression. Some women felt they could not pursue cases further as they feared revenge from in-laws or isolation from their relatives and neighbors.

Seeking assistance

Women who sought justice in relation to land issues used a variety of strategies and often approached a number of people or organizations to gain help. Generally, women began by using local allies and local justice systems. They contacted friends, family members, relatives, and local chiefs. If these contacts were not helpful, they included religious leaders, health workers, traditional leaders, women's organizations, community paralegals, local councils, and community leaders. If these methods were still not successful, they may have sought help from local authorities, police, and NGOs that work on legal issues. Finally, they might access the judicial system with help from paralegals, women's organizations, or legal clinics.

The Ntankah Focus Group report stated that:

In many communities, the traditional leaders are the first line of entry of dispute resolution outside of the family and many of the most vulnerable community members may not move beyond that point, being unwilling or unable to challenge a decision by such a powerful local figure. A more conscious engagement with traditional leaders may help to provide more effective protection to the most vulnerable members of the community and engender bottom up justice for women.

One family had girl children and after the death of their parents, all the family property was inherited by the uncles. Through assistance from the Legal Resource Centre the case was dealt with through the courts and they regained their property. The community courts failed to settle the dispute; the case was then taken to the court.

(Ntankah Focus Group report)

Achieving justice

Women were often very persistent with their struggle for justice and many reported that the process could take years. Sometimes, bringing families together to discuss an issue could resolve it and this usually took the least time. When women were assisted by grassroots women's groups to approach chiefs of local councils, using customary law, the process could take from a few weeks to over a year. Court processes tended to take even longer with some women saying they were still waiting for decisions after five years.

My husband died of HIV and AIDS. I was blamed for bringing the disease home and neglecting my husband during his sickness in an endeavor to quickly get rid of him so that I could inherit his estate. The family forced me out empty handed and my homestead was left to decay.



The family did not accept that their son's promiscuous tendencies were responsible for his death, rather they put the blame on me. We had acquired a lot of wealth with my husband. I nursed him until his last breath. Some family members were jealous of our achievements and wanted to fix me. I was destitute, as an HIV positive person I wanted peace and an environment that is conducive for my routine medication. Caregivers intervened and tried to mediate with my husband's family, They continued meeting and engaging my late husband's family and the Village Head. Finally [after a year and four months], the Village Head ordered that I should come back to my homestead. The group of caregivers used the engagement strategy in convincing my husband's family and the Village Head that I was not to blame.

Women in urban and rural areas experience quite different realities. The data indicated that groups living close to urban areas such as Harare had a greater range of options, such as legal clinics and women's organizations specializing in land rights, than those in rural areas. As a result, the former might begin by seeking help from traditional bodies but also reach out to other resources. Some groups, particularly in the peri-urban areas, noted that it was difficult to use traditional systems because so many tribes with different cultural practices lived together.

Proposed mechanisms for dispute resolution

Participants in the focus group were asked, "what helped or what might have helped you achieve justice in addressing the dispute/violation?" Taken together, the suggestions provide a comprehensive plan for improving women's access to justice. The focus groups indicated that justice requires:

1. Accessibility
 - Ensuring that customary law is accessible to women at low cost
 - Ensuring that decisions are made in easily accessible locations
 - Judging cases in local languages
 - Creating government positions at all levels to ensure that women's issues are addressed
 - Making legal services available in rural areas
2. Providing information and training for empowerment and advocacy
 - Civic education on the constitution and property rights for women—education for men, women and traditional leaders
 - Continuous education for traditional or informal justice practitioners on human rights, gender discrimination, conflict resolution and mediation mechanisms.
 - More training so that women can become community paralegals and watchdogs to report and monitor cases of violations as well as work with legal and law enforcement officers.
 - Enrolling more girls in school so that they will be able to read and learn about their rights
3. Economic Empowerment
 - Women recognized that because they had limited economic power, they were also at a disadvantage in the customary and judicial systems. They suggested that increased access to microfinance and business training would enhance their status in the community



4. Rights for women living with HIV/AIDS
 - Women living with HIV/AIDS recognized that they were particularly vulnerable to violations of their rights because of their HIV positive status and they felt that women should lobby the government to pass legislation that would reduce their vulnerability and protect them
 - Women from the Cameroon suggested that certain customary practices that discriminate against women should be made illegal to reconcile them with the constitutional rights women now hold.
5. Promotion of Women in Decision-Making Positions
 - Elect women as clan leaders
 - Ensure the presence of women in different leadership positions from village to district levels
 - Appoint and promote more women in the judicial system
6. Organizing
 - Form a coalition of women at village levels who are strongly dealing with and advocating for women's rights
 - Encourage women to fight for their rights.
 - Encourage women to join groups and when members are in trouble face the perpetrators as a group
 - Organize so women can fight collectively for the rights of all women in the community.



Appendix 2. Key informant interviews

Six of the 12 groups in this study conducted key informant interviews. The survey questions were not standardized among the five groups. Most groups developed their specific questionnaire during a brainstorming session to determine how they might gain greater insight into issues concerning women’s access to justice. Some questions were asked of both key informants and focus group participants. Five of the six groups that conducted key informant interviews had information that was generally comparable. A noteworthy finding is that clan elders, chiefs, and local councilors have accepted and incorporated local grassroots women’s initiatives, such as watchdogs and community paralegals, into their system of justice in each of these countries.

Table 8 below is an overview of the five groups and their 35 interviews. The tables on the following pages provide a detailed summary of the interview findings from each of the groups.

Table 8. Overview of 35 key informant interviews

COUNTRY GROUP		TOTAL INTERVIEWS HELD	WHO WAS INTERVIEWED
KENYA	GROOTS KENYA	7	3 women leaders 1 chief 3 clan elders
UGANDA	UCOBAC	19	1 community development officer 10 local councilors (LC) 3 secretaries (LC) 1 resident district commissioner 1 senior probation officer 1 deputy chief administration officer 1 land board secretary 1 criminal investigation officer
ZAMBIA	KATUBA	4	1 chieftainess 1 local council secretary 1 headman 1 local councilor
ZIMBABWE	SEKE	2	2 clients
	ZPHCA	3	2 local councilors 1 headman
TOTAL		35	



Table 9. GROOTS, Kenya: findings from key informant interviews

QUESTIONS	KEY INFORMANT RESPONSES		
	THREE WOMEN LEADERS	CHIEF	THREE CLAN ELDERS
Who owns land?	<ul style="list-style-type: none"> • It is the men who decide on what is to be done with land • Men own land, & men are the ones to decide on how land should be used • A women can use land & any other property but you don't have control over it 	<ul style="list-style-type: none"> • All are consulted 	<ul style="list-style-type: none"> • Men make decisions but women take the lead on what to plant • Men own land and even if women are given land, there are some restrictions from the husband. Husband has sole mandate, he is key in putting a tick on what is to be done [on a checklist]
Cause of disputes	<ul style="list-style-type: none"> • Widowhood, HIV, orphaned children • Brothers and brothers-in law • Second wives 	<ul style="list-style-type: none"> • Land sold and resold again 	<ul style="list-style-type: none"> • Widowhood, HIV, orphaned children • Brothers and uncles [taking land]
Who handles most disputes	<ul style="list-style-type: none"> • Clan leaders • Elders • Provincial administrators • Watchdog groups 	<ul style="list-style-type: none"> • Chiefs, assistant chiefs and clan elders 	<ul style="list-style-type: none"> • Clan elders and administrators
Is the clan's system fair to both men and women	<ul style="list-style-type: none"> • It is not fair to women, when men are widowed no one takes their property • Women don't get justice • Yes, equity is assured 	<ul style="list-style-type: none"> • It is always fair 	<ul style="list-style-type: none"> • As long as they [the clan] avoid the practice of sexual abuse and their desire for food and costly charges [fees] • Men are favored because they are born there and women came or they are intruders. There is no equal sharing of power and justice
Other dispute resolution mechanisms used	<ul style="list-style-type: none"> • Watchdog groups • community paralegals • Provincial administration • Civil society organizations • Church leaders 	<ul style="list-style-type: none"> • Provincial administration • Church leaders 	<ul style="list-style-type: none"> • Chiefs • community paralegals • Watch Dog groups
Recommendations	<ul style="list-style-type: none"> • Educate women • More women in leadership and decision making • Women be elected to highest positions 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Remove the levies [for dispute resolution] • Involve women in decision making starting at home • Have GROOTS mentor women • Women to be disciplined & respect marital property • Clan and administration need to work together and respect each other's decision • Women to be role models to command respect



Table 10. UCOBAC, Uganda: findings from key informant interviews

QUESTIONS	KEY INFORMANTS RESPONSES
Where do women go to resolve issues on land and property?	<ul style="list-style-type: none"> • Community paralegals • Elders • Local Councils • Land Tribunal • Police • District Probation Office • Village courts since the local leaders know them.
What are the common cases handled in your office in relation to women's access to land	<ul style="list-style-type: none"> • Widows being disinherited • Land grabbing by spouses • Land grabbing by cattle keepers & rich men who buy or lease land • Family disputes around land • Evictions • Men who chase away their first wives when they get another • Grabbing of property by the husband's relatives after the death of her husband • Land registration • Land acquired jointly but only registered in the man's name • Men selling the women's property without her knowledge
What challenges do women face in accessing justice	<ul style="list-style-type: none"> • Intimidation, ignorance of the laws, poverty & fear of in-laws • Failure to present written documents • They live oppressed lives in their families & they cannot express their needs • They will get punished by their husbands • The community does not support women who report their husbands to higher authorities • They lack the resources to follow up their case • Culture plays a big role, a woman does not speak before a man in any congregation
What are the institutional challenges	<ul style="list-style-type: none"> • Poverty & cost are not affordable • Cultural norms • Long distances of travel to institutions • Bureaucracy in government offices • Ignorance of laws on land & property • Corruption of the institutions • Too long, it can take 5 to ten years before final judgment
What can be done to enhance women's access to justice recommendations	<ul style="list-style-type: none"> • Training & education for women on their land rights, especially in rural areas • Form women's groups to advocate for land rights • Translate laws into simple language • Have more women community paralegals & have them located within these areas • Alert them not to pay bribes • Make it compulsory to register property acquired during matrimony in both spouse's names • If a women buys a piece of land, it should be registered in her name, not her husband's • Fight corruption in public offices
Recommendations	<ul style="list-style-type: none"> • More training on rights & the law, especially in rural areas • Fund more community paralegals

Note:

The interviews included three women and 16 men. With the exception of a community development officer, all held positions of authority and were in varying degrees involved in resolving land dispute issues at the local level.



Table 11. Katuba, Zambia: findings from key informant interviews

QUESTION	RESPONSE
What is the procedure to access land in Katuba?	<ul style="list-style-type: none"> You approach the headperson of the village. There is a charge of K300,000. Sometimes there is a village Committee that sits to review the application before allocation (Chieftainess) The Councilors carry out independent investigations to ascertain ownership and dispel disputes. When the council is satisfied, we recommend to the Ministry of Lands for one to obtain title (Councilor) As Headman, I allocate land to my subjects and keep a record or inventory of land allocated to whom (Headman)
How easy is it for women to access land?	<ul style="list-style-type: none"> Women have every right to ask for land from their headpersons. We do not segregate. Women do not ask for land, we don't know why (Chieftainess) A man who wants to marry is usually given land by the father/mother, builds a house & brings his wife home. This is family land so the widow does not own the land or cannot inherit it, her children can. It is up to the family to keep the widow or not. It is easier if the man gets land from the Headman instead of the family because no other family member can claim the land except widow/orphans (Chieftainess) It is difficult for a woman to spend the whole day at the Council waiting for her turn to be interviewed. When one is given land by the Headperson, one is supposed to reside on that land for at least 2 years before applying for title. They have to have the land surveyed then apply to the Chieftainess who will recommend to the Council for title. One is supposed to pay the Council fees to survey and inspect the land allocated so that no disputes arise (Councilor)
The Land Act states that 30% of available land be given to women. How does the Council ensure this is carried out	<ul style="list-style-type: none"> People apply & based on our recommendations they are given title through the Ministry of Lands. We work with traditional leaders. We fall back on the Chiefs & Palace Committee to investigate ownership. (Councilor) There are no statistics but I know that more men apply to the council for land than women (Councilor)
Recommendations	<ul style="list-style-type: none"> I would recommend that the Palace Committee members be a mixture of community leaders & not just headpersons. I have now seen that headwomen have been incorporated in the Palace Committee (Councilor) I think information is key. Usually women don't have enough information on how they can obtain & secure land (Councilor) Have the Chiefdoms give out village titles. This would ease the burden of women acquiring land because they would not have to spend time and money on transportation & waiting for the interview; lower the fees which women can't afford, and keep proper records (Councilor)

Note:

The interviews included a woman (referred to as a *chieftainess*), two local councilors, and a headman. The headman did not respond to all of the questions.



Table 12. Seke, Zimbabwe: findings from key informant interviews

QUESTION	RESPONSE
What is the role of women in your community	<ul style="list-style-type: none"> • Women are seen as kitchen utensils as their main role is in the kitchen. Statistics collected from the demographic survey conducted by Seke Rural Home-based Care (SRHBC) indicated that 99% of the women in Seke are housewives and the Chief’s council has only one woman to represent all the women in Seke. The major role is to give birth and take care of more children (both respondents)
What was the focus of your dispute	<ul style="list-style-type: none"> • The loss of land, livestock & farming tools (both respondents)
How did this come about	<p>a. The death of my husband who was seen as the sole owner of the property (respondent a.)</p> <p>b. Through the death of my father & my brother came to evict me from the land that I was given by my father (respondent b.)</p>
How was your life impacted	<p>a. I experienced humiliation from the community and my biological family. I experienced emotional trauma & physical abuse. I also had the burden of looking after my children with no land to till & no source of income</p> <p>b. I had nowhere to go. I was accused of being promiscuous</p>
Was there anyone in your community who helped you think about what to do next	<p>a. A Community Paralegal</p> <p>b. community watchdogs, the local community paralegals, the community members & friends approached me with assistance</p>
What system was used to resolve your case	<p>a. With the help of the Community Paralegal it was resolved at the local informal level</p> <p>b. With the help of the Community Paralegal my case was reported to the police & Ministry of Gender & Women’s Affairs. The case was taken to court and a legal process was engaged. The cost was covered by the Department of Social Welfare</p>
How long did the process take	<p>a. 13 months</p> <p>b. 18 months</p>
Were you satisfied with the results	<ul style="list-style-type: none"> • Yes, it ruled in my favor (both respondents)

Note:

SEKE conducted interviews with two clients (a & b) who had used their services. Both of these women had been threatened with loss of their property rights.



Table 13. ZPHCA: findings from key informant interviews

QUESTION	RESPONSE
What is the role of women in your community	<ul style="list-style-type: none"> • Mainly focused on urban farming, vending, cross border trading, sewing & other low lying roles that an African women is expected to do (Councilor) • Limited to household activities, i.e. taking care of the family especially the elderly & vulnerable, providing food for the family, farming & selling of wares (Headman)
What type of cases have you dealt with on land issues	<ul style="list-style-type: none"> • Siblings fighting over property (Councilor) • Husband’s children with different mothers fighting over property (Councilor) • Mother losing property to children after death of husband (Headman)
Who usually contacts you about these issues	<ul style="list-style-type: none"> • Community members, especially women (Councilors & Headman)
Where do women go to seek justice	<ul style="list-style-type: none"> • The local leadership structure in the area is very clear; people know they have to approach the local authority through their local councilors. In cases of criminal intent we encourage residents to approach the police (Councilors & Headman)
What actions are taken to achieve justice	<ul style="list-style-type: none"> • Usually informal & it involves arbitration. In a few cases we involve the police & courts for dispute resolutions (Councilors) • We have presided over different types of cases ranging from domestic violence to asset stripping, and disinheritance in cases that affect women. Women’s rights are at the forefront of my community court (Headman)
Who are involved & what do they do	<ul style="list-style-type: none"> • Usually the people with the dispute and the councilors (Councilors) • Usually the people with the dispute & the council of elders. Usually the community court seeks dispute resolution, however, in certain cases the person found guilty pays a fine to the court & the wronged party. If the court fails to reach an agreement, the case is referred to the Chief, if this doesn’t resolve the issue it is referred to the police & the formal court process

Note:

The interviews included a local councilor representing a high-density suburb, a local councilor representing a peri-urban area, and a headman representing a rural area just outside the city capital. Most of the three key informants’ responses to the six interview questions were the same or similar.



Appendix 3. Case studies and reports from partner organizations

In addition to providing data from surveys, focus groups and key informant interviews, the partner organizations documented case studies of women’s experiences in accessing justice. They also submitted reports that provide a greater context for their work, outlining the challenges they face and their achievements at the local level. These reports provide very rich information about the holistic process undertaken by grassroots women’s groups as they move from fact finding activities and community mapping, through community education and awareness workshops, to training of community paralegals and watchdogs, and finally to contributing to systemic changes such as the inclusion of women on land tribunals, local councils, or (in the case of GROOTS Kenya) advisory groups working on changes to the constitution.

The following sections provide concrete examples of the work being carried out by the various groups as well as examples of how this work has impacted local grassroots women. Different aspects of the work are highlighted, beginning with the process of dialogue in communities, then the use of particular strategies, and finally, the process of scaling up impact.



Ntankah Village Women Common Initiative Group, Cameroon — Radio programming and mock tribunals

Ntankah works in rural areas of Cameroon on women’s rights and poverty issues. It has received a number of national and international awards for its work on HIV/AIDS prevention and training that has helped to break the silence and stigma surrounding HIV/AIDS. It also participated in the creation of a national home-based care alliance.

Ntankah has been active in a number of areas related to disinheritance and women’s rights to land. They host *regular radio programs on land and housing issues*, allowing listeners to call in with questions and debate cases. This strategy raises the issues of violence against women and women’s land rights within the broader community.

The quality of dispute resolution has improved. A family which had lost the male head finally decided to accept a female head as next of kin and administrator of the estate. The lady ensured equitable distribution of land to all the biological children of the late father: two boys and three girls. This smooth transition was greatly admired by other families and others are set to emulate this family.

(Report from Ntankah)

The organization has also used *mock tribunals* to illustrate the legal process, particularly as it relates to statutory law. Ntankah selects cases brought by the watchdogs—particularly cases that have the potential to set precedents. They then hold mock tribunals in the community to illustrate how the customary or statutory legal processes function.

The organization reports that curbing disinheritance practices has contributed to women’s empowerment and to greater control over their land, which has in turn resulted in greater household food security and economic independence.

GRASSROOTS WOMEN

- Veronica Kini
- Theresia Kila
- Magdalene Sirri
- John Morfaw
- Theresia Fonjia
- Adequeen Kila
- Margaret Munga
- Prudencia Fotou
- Celine Ngongmo
- Emmanuella Lum



Grassroots Sisterhood Foundation, Ghana — Strategic partnerships with traditional leaders

GSF was founded in 2002 to lobby against domestic violence. In 2007, they facilitated a grassroots women-led process of community mapping to document issues of abuse and resources for support and then publicized these findings through community dialogues and forums.

In 2010, GSF began training community watchdogs and paralegals. They also worked on the creation of community land banks for women and established a *land coalition* in one of the traditional areas. They have formed *new channels of communication among women chiefs, queen mothers, and women community leaders*. Women are now formally being allocated land in some of the rural areas and GSF has created space for women to sit on *land councils*.

Good community entry techniques and the introduction of projects ensure community ownership of GSF programs. Over a period of time, our strategies have become synonymous with grassroots mobilizing and organizing and they always refer to our strategies as the women's roadmap to equality.

GRASSROOTS WOMEN

Mariama Bukari
Maltiti Issahaku
Irene Karimu
Charity Assibi

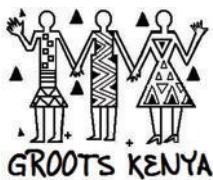
GSF STAFF

Fati Alhassan
Jacqueline Abu
Sophia Owusu
Martha Abugbilla

These strategies have led to:

- Creation of space, voice, and visibility for women at the community level
- Increased knowledge and women's confidence to seek justice from traditional authorities
- Enabling women to share experiences and build on the successes of security of land tenure
- Attitudinal change in gender roles and responsibility to the extent that communities have taken measures to review negative cultural practices that hinder the development of women

(Report from GSF)



GROOTS Kenya — Lobbying for Gender Equity

GROOTS Kenya is a national movement of grassroots, women-led, community-based organizations and self-help groups founded in 1995 after the Fourth World Conference on Women, held in Beijing. GROOTS Kenya was established in response to the inadequate visibility of grassroots women in development processes and decision-making forums. GROOTS Kenya highlights the work of grassroots women locally, nationally, and internationally and now has over 2,500 community-based member organizations. GROOTS Kenya has worked on women's property rights in urban and rural Kenya for the past ten years.

- Through its work with community-based caregivers, GROOTS Kenya was one of the first organizations to identify the growing problem of disinheritance among widows whose husbands had died of AIDS. This prompted GROOTS Kenya's pioneer work in developing community watchdogs, using home-based care givers, church elders, village elders, retired civil servants, and others, who work on a voluntary basis and proactively intervene when they identify instances of disinheritance with widows or orphans, or cases of domestic violence. The watchdogs have also been asked to take on dispute resolution in a number of communities.

GRASSROOTS WOMEN

Rose Ang'iro
Jane Nyokabi

GROOTS STAFF

Esther Mwaura-Muiru
Rachael Wachuka
Justus Mutuvi
Ann Sabania



- A remarkable outcome of the program activities is the involvement and appeal to the men in Kitui and Nanyuki. Having been involved in the awareness creation and sensitization meetings, men have not only taken to the forefront to advocate against these injustices but are increasingly opening up to their families and talking about the various investments they have, thus putting their wives in the know. In addition to this and contrary to strong cultural beliefs, men are now writing Wills of Succession to protect their wives and children against disinheritance and asset stripping in the event of their demise. (GROOTS Kenya report)

GROOTS Kenya has also been involved in *lobbying for gender equity* at the national level, providing input into the National Land Policy and the Kenyan Constitution (which was revised in 2010). Perhaps because of this political experience, many grassroots women ran for election in 2012.



Maasai Women Development Organization (MWEDO), Tanzania — Land evaluation education

MWEDO is the facilitating NGO for a network of eighty registered Maasai women’s groups with over 5,000 grassroots women members from rural areas in northern Tanzania. Many of the groups are located near Arusha, an industrial town that has experienced rapid growth and investment due to the abundance of natural resources in the area. This growth has put pressure on land markets in the surrounding areas. Because of land-grabbing, Maasai land is often sold far below market value. The Maasai have not traditionally been involved in the sale of land but MWEDO is addressing this issue through land evaluation education. The training helps Maasai men and women understand how to assess their land’s market value and to make informed decisions before selling their lands to investors.

Maasai women are particularly vulnerable as they do not usually make decisions about land and are often viewed as their husband’s property. One Maasai women stated, “How can property own property?”¹⁶ Involving both men and women in training sessions brings the issue of women’s land rights into the conversation.

GRASSROOTS WOMEN

- Rebeka Joseph • Theresia Kashuma
- Nasinyari Kurru • Sarah Lucas
- Neema Olenaaya • Mela Olendia
- Simaloi Oleritei • Martha Olesuya
- Kesia Oloikishaan • Raheli Philipo
- Nengolong’ Sadala • Rehema Sironga

MWEDO STAFF

- Ndinini Kimesera
- Elias Nagol
- Scolastika Porokwa
- Martha Sengeruan



Action for Women and Awakening in Rural Uganda (AWARE) — Community dialogues

AWARE works in northeastern Uganda to focus attention on community dialogues with traditional leaders, elders, police, and other community stakeholders to share information and strategize about ways to collectively address problems that arise.

Because of the community dialogues, not only victims of injustice, but also members of the public are becoming knowledgeable about women’s rights and willing to take their concerns to a local organization.

GRASSROOTS WOMEN

Lydia Acobio • Margaret Ajilong
Acen Filder • Stephen Kamar
Mrs. Lobolia • Maxwell Lopa
Madalena Nakiru • Abdu Steto
Ms. Maria Pedipedi • Betty Topoth
Betty Yeya

AWARE STAFF

Mark Abuku • Josephine Auma
Jesman Lokol • Martin Lomilo
Grace Loumo • Rukia Nakiru
Rex Paark

- Nakale, a 36 year old widow, complained that animals and property had been grabbed by relatives of her deceased husband, leaving her and her children destitute. Neighbors raised the issue with community paralegals and watchdogs who had participated in community dialogues. After intervention from AWARE, the relatives agreed to return the animals and property to the widow and her children.



Slum Women’s Initiative for Development (SWID), Uganda — Watchdogs and community paralegals

SWID, established in 2003, is a facilitating NGO for a network of community-based organizations in rural and peri-urban areas of Jinja district in Uganda. After having the opportunity to network with UCOBAC at a leadership summit in Nairobi in 2007, SWID became part of the Uganda Home Based Care Alliance. Both organizations had caregivers who were struggling with cases of disinheritance.

GRASSROOTS WOMEN

Susan Kirire
Rachael Nansubuga

SWID STAFF

Hannah Namuyomba-Owot
Julie Nalubega
Moses Kaligida

SWID was one of the first groups to initiate *watchdogs* and *community paralegals* after learning of the GROOTS Kenya model at a WLLA meeting in 2008. Through a follow up exchange with UCOBAC, they were able to train 37 community paralegals in customary justice processes, statutory laws, and how to refer women to resources. Community paralegals now work in tandem with the traditional and statutory justice systems and they have been included on village development committees to advise headmen and chiefs. Seventy-seven women have managed to obtain land titles in the area and the community paralegals who helped them have become trusted and visible members of the community: “We are regarded as important women; we now have a say in our community. Policy leaders consult us.”



Uganda Based Association for Women and Children Welfare (UCOBAC) — Using local-to-local dialogues

UCOBAC is a grassroots-led NGO that brokers and facilitates resources for a network of member community groups. It was formed in 1990 to respond to the needs of the estimated one million orphaned children present in Uganda after the civil war. Over the years, the focus has shifted to children's caretakers—women. UCOBAC has worked on women's issues and property issues in urban and rural Uganda since 2003.

UCOBAC has been successful in negotiating with traditional leaders and with government institutions through the local-to-local dialogue methodology. It used this research process to bring together local councils, court leaders, magistrates, probation officers, community development officers, officials on the land committees, chiefs, religious leaders, and clan leaders. Grassroots women then shared their experiences of corruption, bribery, delayed justice, complicated court processes and procedures, and how women no longer trust the justice system.

Although there has been resistance from men in the community, UCOBAC has succeeded in including grassroots women in decision-making committees and involving them in monitoring and evaluating progress of these committees. One member described her road to economic independence.

I used to live in a rented house with my husband. We gardened together. We grew a lot of food like cassava that he would sell but would never give me anything after the sale of the harvest. He used to mistreat me. He would beat me and chase me out of the house.

My friends talked to me and advised me to leave the abusive marriage and join a local women's group, which was supported by UCOBAC. The Group gave me a soft loan worth two million Uganda Shillings. I got 100,000 Shillings and my friends were my insurance. With this 100,000, I bought two bags of groundnuts for 40,000 and two goats for 60,000.

In the first season after planting, the two bags of ground nuts, I harvested seven bags. I sold six bags and remained with one to plant in the second season. I continued to grow ground nuts. I also grew more cassava. My goats multiplied and I exchanged them for a heifer, which I later sold and bought a plot of land on which I built a temporary house and started living in this house with my children.

My husband became jealous of me because of the developments I had made. When I bought land, I registered it in my name. Because of this soft loan, I am now an independent woman and have since been able to purchase another plot of land. I own two plots now. My husband wants to come back to me, but I am not interested because when I was poor, he thought I was useless. Now I am working hard to build houses. My children are okay, happy and healthy and go to school.



Katuba Women's Association, Zambia — Alternative dispute resolution

Katuba Women's Association is an umbrella group of 60 community-based groups in peri-urban and rural areas outside of Lusaka, the capital city of Zambia. Because of the proximity to the city and rapidly increasing land prices, traditional land is becoming more valuable and in some cases headpersons are selling off parcels. Widows are particularly vulnerable to this practice.

GRASSROOTS WOMEN

- Kufekisa Mukamba**
- Headwoman Kufekisa Kacha**
- Headwoman Meleki**
- Headwoman Mwachikoka**
- Mufaleli**
- Chris Aka**
- Headman Malaila**
- Miriam Mukunkami Mwiinga**
- Ivy Zulu**
- Rhoda Nalwenga**
- Brenda Mugwagwa**
- Anne Ngulube**

KATUBA STAFF

- Florence Shakafuswa**
- Alfred Hachilensa**

Katuba has established an *alternative dispute resolution process* in its office. Once a week a paralegal from the *Zambian Land Alliance* comes to the office to take cases and evaluate the possibilities for resolution using either customary or statutory law. The accused is notified in writing by the paralegal of the issues and is asked to visit the Katuba office to seek a solution. A meeting is then held with local leaders to resolve the dispute and if the outcome is not satisfactory, it may be referred to court, the *Zambian Land Alliance*, or to a lawyer in one of Katuba's partner organizations. In certain circumstances, Katuba will hold a case conference to seek the guidance of experts like the *Police Victim Support Unit*, the *Palace Committee*, councilors, or other government officials.

Dorothy Kasana is a 67-year old women who looks after five grandchildren. She rents a house. Her son, who is in the diaspora, sent her \$2,000 to buy a plot so that she could start building a house for herself and the five grandchildren left by her younger daughter who died. Dorothy went to ask for land from the headwoman, who sold land to her. It took some time for Dorothy to receive money again from her son so that she could start building. When the money came, she noticed that other people had started building on her plot. She approached the headwoman who had resold the land to

someone else with the excuse that Dorothy was taking too long to develop her land. The headwoman was not able to pay Dorothy's money back. Dorothy went to Katuba to report the case and the paralegal summoned the Headwomen to the office. A case was established against the headwoman and she signed an agreement to pay it back but failed to do so. Katuba intervened again, and asked the headwoman to look for alternative land for Dorothy. Dorothy was given another portion of land she is satisfied with and she has started building.

In addition to its dispute resolution process, Katuba has held local-to-local dialogues involving experts from the *Zambia Land Alliance* who explain procedures for acquiring land to community members. With the help of Katuba, women's groups have gained collective title to land for growing food crops.



Ntengwe for Community Development, Zimbabwe — Champions for Change

Ntengwe is a facilitating NGO that builds the capacity of its member groups to address challenges facing women and their families. Their initial efforts were centered on HIV/AIDS but, over time, women’s access to land and housing has become a major focus of attention. Their work has also spread from the rural areas of Binga and Hwange to include Victoria Falls. Ntengwe has developed a number of *relationships with external partners* such as the Ministry of Women’s Affairs and the Zimbabwe Police Victim Friendly Unit to develop community training programs and support the work of community paralegals. Community paralegals now serve on the Chiefs’ Courts and Village Development Committees.

Ntengwe has also been working with men to develop a male “champions for change” program by engaging traditional leaders, community leaders, and the police. They have developed a Men’s Forum in Victoria Falls, which is developing an action plan for engaging men and boys in combating gender-based violence and promoting positive masculine role models.

GRASSROOTS WOMEN

- Fanele Dube
- Violet Lunga
- Sarah Mpala
- Yolanda Mpala
- Christina Mudenda
- Salia Muleya
- Placidia Muleya
- Felinda Mwinde
- Martha Mumpande
- Ntombizodwa Ndlovu

NTENGWE STAFF

- Juliana Muskwe
- Isaac Dube
- Innocent Isaac
- Meliga Kuseka



Ray of Hope, Zimbabwe — Accessing land

Ray of Hope is a grassroots network of support groups for women survivors of domestic violence, based in Mutasa Rural District in the Manicaland province of Zimbabwe. Their goal is to provide holistic support for women through domestic violence awareness campaigns, income generating and food security activities, and methods to increase women’s access to land and property.

Ray of Hope was founded in 2005 by a survivor of domestic violence. As the founder began to share her story, more and more women came together to discuss their experiences with domestic violence. Today there are over 200 women members from the Mutasa communities and 50 from Chitungwiza, near Harare.

In addition to focusing on violence against women and land rights, Ray of Hope has also brought the issue of climate change to the local community and made clear the connections between food security, access to land and water, and climate change. They have also begun income-generating projects and *accessed land for 67 women* who are taking part in a Gardening Project along the Odzi River.

Grassroots women developed a *Land, Housing and Property Rights Charter* that they have shared with traditional leaders, church leaders, the District Council, and government ministries. Women now have 30% representation on the Village Head’s Council and the Chief’s Council and women are reporting that it is now easier to achieve justice at the local level.

GRASSROOTS WOMEN

- Laiza Svikiro
- Tendai Musadema
- Ivy Chitembwe
- Shuvai Muziro
- Diana Bepe
- Betty Chigumira
- Abigail Jambwa
- Norah Dodzo
- Caroline Musewe
- Nesta Satande
- Susan Chinzou
- Shorai Chitongo
- Regis Manjoro
- Joseph Mutemararo



Seke, Zimbabwe — Changing cultural practices

Seke Rural Home Based Care works with people living with HIV/AIDS, cancer patients, the terminally and chronically ill, and vulnerable children, many of whom are victims of land asset stripping. Much of its early work focused on community sensitization—providing education on HIV/AIDS and convincing community members that people were not dying of witchcraft.

GRASSROOTS WOMEN

Jubilee Mwanza
Veronica Kanyongo
Frankly Basera

In its “Changing the River’s Flow” program, Seke held *dialogues about cultural practices that disadvantage women in order to seek ways to address injustices that culture and community have constructed*. Over the past few years, Seke has held workshops on women’s rights in partnership with the Zimbabwe Lawyer’s Association that over 3,000 women have attended. Their watchdog groups are made up of representatives from social welfare, victim-friendly police units, the Ministry of Women’s Affairs, youth, and the District AIDS committee. The commitment from these prominent stakeholders does much to raise awareness in the community. Seke has also succeeded in having female representatives appointed to the village committees. With Seke’s support some women have assumed the role of village head. The Chief’s court now has a female advisor.

Mrs. T lost her husband after a long illness of HIV/AIDS. She did not have title deed to the land and property they owned. The lady had been attending the community gatherings, dialogues and meetings that Seke was conducting during the research process. When her husband finally died, the family did not evict her but ordered her to change the title deed until her son turned 18 because they believed that he should own the house. The woman approached Seke and the case was taken to court according to the new law related to customary marriages that do not have supporting documents. Mrs. T was given permission to put the title deeds in her name and she now has documents to show that she owns the land and property.



Zimbabwe Parents of Handicapped Children Association, Zimbabwe — Innovative protest

The Zimbabwe Parents of Handicapped Children Association (ZPHCA) was formed in 1987 to advocate for the rights of children with disabilities. Most members, mothers of children with disabilities, live in informal settlements in and around Harare. They have undertaken a variety of activities, including establishing the ZPHCA Housing Cooperative, which has been successful in holding dialogue meetings with the Harare City Council. To date, they have been allocated 42 stands (plots of land) for their members. They have also assisted in having mobile birth, death, and identification registration teams visit their rural communities.

ZPHCA has also used *innovative forms of protest*, such as “dancing on a man,” an African women’s practice that has been used since the precolonial era. Collectively, women protest injustices by making a spectacle—singing, dancing, banging pots, beating drums, refusing sex—around the perpetrator to bring shame upon him. The group acts collectively so that the individual women is not silenced or left to suffer alone.

In Mbare, an urban slum area of Harare, a woman reported that her husband left her in their shared apartment after she gave birth to a child with disabilities. Her in-laws then came to take over her apartment. She spoke with the local headman who did not assist her. The in-laws persisted and she called the police who came to arrest the mother-in-law. However, the police insisted that she should



not put her mother-in-law in jail because it was “bad” and that she should work the matter out at home. Eventually, the woman gave in because the pressure and stress was raising her blood pressure and making her sick and she could no longer continue to fight.¹⁷

ZPHCA then organized women from her community to go and “dance” on the office of the director of the housing department to demonstrate against the woman’s removal from the apartment by her in-laws. The dancing brought attention to the woman’s case and put pressure on the housing department to intervene. This incident sparked a relationship between the gender focal point in the housing department and ZPHCA. ZPHCA now regularly works with the housing department to help them meet their housing quotas for people with disabilities.



VIII. ENDNOTES

Foreword

1. WLLA was founded in 2003 as a joint partnership strategy between grassroots women's organizations, the Huairou Commission (HC), The Centre for Housing Rights and Evictions (COHRE), the UN Food and Agriculture Organization (FAO) and UN-Habitat, supported by the Swedish International Development Cooperation Agency (SIDA).
2. www.undp.org

I. Introduction

3. Since its founding in 2004 by African grassroots women and their partners, WLLA has grown into a coalition of 23 organizations in 13 African countries. WLLA's goal is to influence the creation and implementation of national land and housing policies for the benefit of grassroots women by strengthening their capacity to take on social, cultural and political systems and practices that deny women equality on matters of land and housing. WLLA provides a platform for grassroots women to build their collective knowledge in order to persuasively advocate their development goals and needs both with local decision-makers and within regional and global arenas.

II. Historical context to women's land rights in Africa

4. Schmidt, Elizabeth. *Peasants, Traders and Wives: Shona Women in the History of Zimbabwe, 1880–1939*. Harare: Baobab Books. 1996.
5. Folbre, Nancy. "Patriarchal Social Formations in Zimbabwe" in *Patriarchy and Class: African Women in the Home and Workforce*. Sharon Stricter and Jan Parpart (eds.). 1998.
6. Batezat, Elinor; Mwalo, Margaret; and Truscott, Kate. "Women and Independence: the Heritage and the Struggle" in *Zimbabwe's Prospects: Issues of Race, Class, State and Capital in Southern Africa*. Colin Stoneman (ed.). London: MacMillan Publishers. 1988.
7. Zimbabwe Women's Resource Centre and Network. *Zimbabwe Women's Voices*. Harare: Author, 1995.
8. United Nations (UN), *Population Division 2002: World Urbanization Prospects, the 2001 Revision*. New York
9. Retrieved from the African Development Bank website: <http://www.afdb.org/en/>
10. UNAIDS. 2012
11. Friis, Cecilie and Reenberg, Anette. "Land Grab in Africa: Emerging land system divers in a teleconnected world". GLP Report No. 1. GLP-APO. Copenhagen. 2010.
12. Ward, A; Wily, L; Cotula, L; and Taylor, M. *Land Rights and the Rush for Land: Findings of the Global Commercial Pressures on Land Research Project*. Rome: International Land Coalition. January, 2012. p. 13.



III. Grassroots women's groups and their strategies to improve access to justice

13. Between October 2011 and February 2012, six member organizations of Women's Land Link Africa were selected by the Huairou Commission and the UNDP to participate in this research project. Organizations interested in participating submitted information that outlined their experience in working with land justice issues, their core strategies, the political, legal and social context of their work and projected baselines for measuring success. The six groups were then selected based on their work and activities within WLLA. When additional funds became available through WLLA, later in 2012, six additional groups were added to the process.
14. Huairou Commission. *Our Justice, Our Leadership: Grassroots Women's Community Justice Guide*. New York. 2012.

IV. Using an empowerment-based methodology

15. Community Based Research Centre, Kitchener, Ontario. "Frequently Asked Questions" retrieved from http://www.communitybasedresearch.ca/Page/View/CBR_definition

VII. Appendices

16. Anonymous. Interview by Katherine Shelley. Arusha, Tanzania. November 5, 2012.
17. Anonymous. Interview by Regina Pritchett. Mbare, Zimbabwe. October 27, 2012

The Huairou Commission describes how grassroots African women address key development challenges by restoring land justice and ending gender-based violence.

- Action research on disinheritance and gender discrimination in 70 communities in 7 African countries
- Why women lose their right to own land and what it means for their lives and communities
- Twelve grassroots women's groups and the innovative ways they resolve land disputes
- Involving grassroots women in community-based research on accessing land justice
- Essential findings from surveys, focus groups, key informants, and organizational wisdom
- What grassroots women have learned and what they recommend for the future

Engendering Access to Justice—Grassroots Women's Approaches to Securing Land Rights comes at a critical moment. At a time when neither statutory nor customary justice systems fully work for women, grassroots women across Africa have begun to build their own land agenda and the community mechanisms to ensure justice in their communities. The Huairou Commission and its member groups are uniquely positioned to showcase this work in seven African countries: Cameroon, Ghana, Kenya, Tanzania, Uganda, Zambia, and Zimbabwe. This research will be an important tool in the hands of development practitioners working on rule of law, land governance, and access to justice in countries with plural legal orders.

~ From the Foreword



An important resource for grassroots women, their facilitators, and advocates for asset ownership and gender equity from The Huairou Commission, Brooklyn, NY and The United Nations Development Programme, New York, NY
On the web at <http://huairou.org/> and <http://www.undp.org/>

