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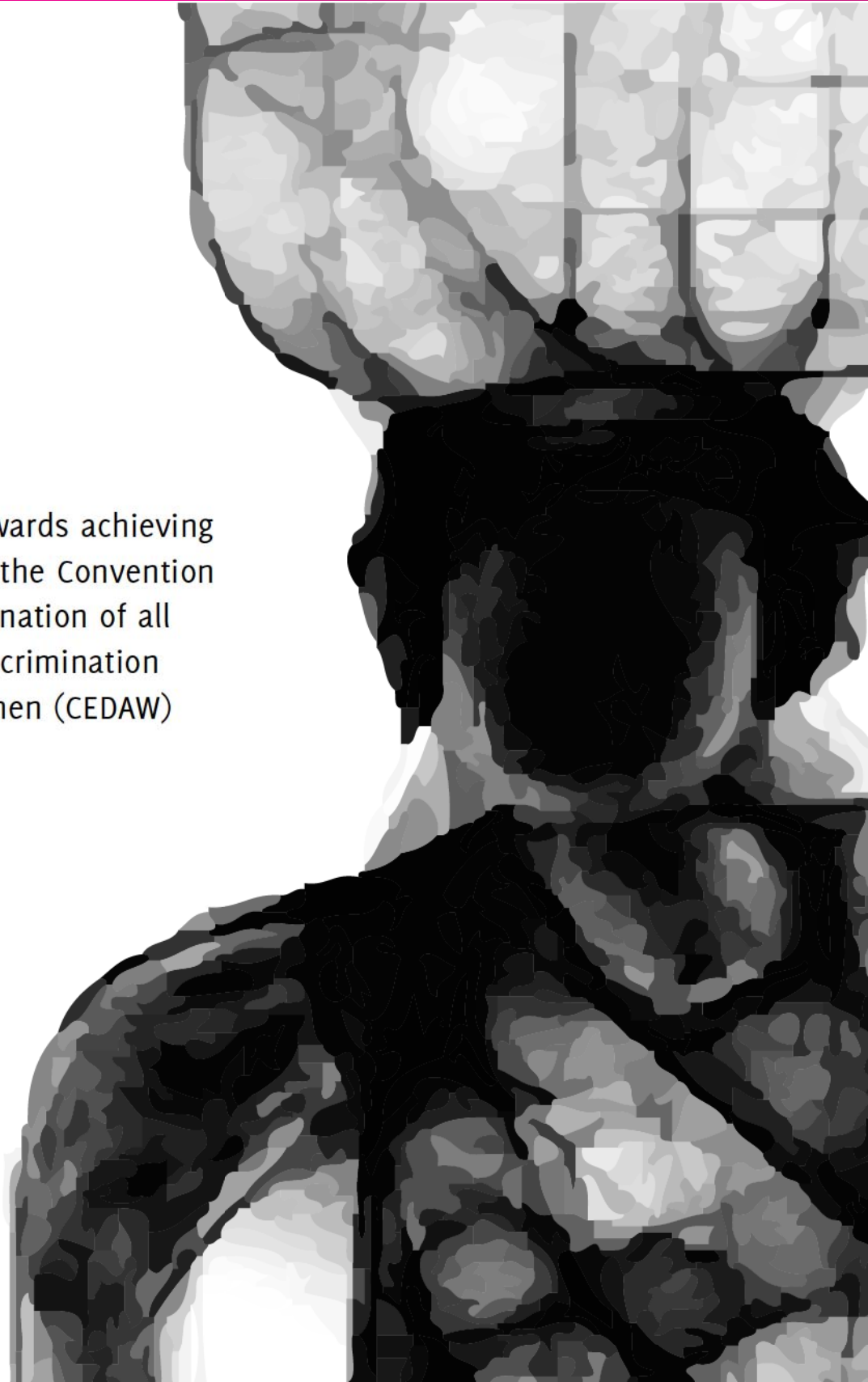
## UPDATE 2010

Rural women's access to land and property  
in selected countries

Progress towards achieving  
the aims of the Convention  
on the Elimination of all  
forms of Discrimination  
against Women (CEDAW)



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# UPDATE 2010

## Rural women's access to land and property in selected countries

### Progress towards achieving the aims of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW)

In 2004, FAO, IFAD, and the International Land Coalition (ILC) jointly published a report on progress towards the Convention on the Elimination of all forms of Discrimination against Women (CEDAW)<sup>1</sup>, with respect to the status of rural women. This report provides an historical background to CEDAW and its Optional Protocol (OP 1999) as well as an overview on land issues as reflected in the reports submitted by States Parties. Specific attention is given to discrepancies between de jure (what is contained in law) and de facto (what happens in reality) equality, to statistics on rural women, and to institutional mechanisms for enforcing gender justice in rural areas. This information is summarised in three tables: a list of States Parties' initial and periodic reports (Table 1), reference to rural

women within CEDAW Committee's Concluding Observations (CO) (Table 2), and reference to rural women within States Parties' reports (Table 3).

ILC has decided to update this information so as to have a basis to work with and through CEDAW to promote women's land rights and in response to two significant trends:

1. the quality and scope of reports by States Parties has improved since 2004, as has the substance of the Committee's Concluding Observations, which increasingly involve comments on individual articles of the Convention;
2. the main problem has become identifying the gap between de jure and de facto equality, especially in areas where customary and statutory norms are in conflict, often to the detriment of women, such as in marriage and family relations.

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<sup>1</sup> The Convention on the Elimination of All Forms of Discrimination against Women was adopted by the United National General Assembly in 1979 and entered in force in 1981, in accordance with art. 27(1).

As a result, monitoring has become increasingly important and Civil Society Organisations (CSOs) can engage more proactively with CEDAW through “shadow reporting”. To facilitate such reporting, ILC has produced an [Infonote](#) and [Q&A](#) on how to use CEDAW as an advocacy tool, providing basic information on how to access the CEDAW Committee and encouraging country-level alliances for monitoring.

Though most of the information in the 2004 report continues to be relevant to an understanding of CEDAW, ILC has now updated the information in the tables. This update not only includes new information, but gives more visibility to the Concluding Observations of the CEDAW Committee (Table 2). The combination of Table 2 and Table 3 now offers a more comprehensive, if preliminary, overview of the situation of rural women in each selected country.<sup>2</sup>

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<sup>2</sup> Compared to the 2004 study, the selection of countries has been changed in order to cover countries where ILC civil society members are based or active.

## CEDAW – Developments since 2004

In 2008, the CEDAW Committee was transferred from the Division for Advancement of Women (DAW) to the Office of the High Commissioner for Human Rights (OHCHR) in Geneva. There have been new accessions or ratifications,<sup>3</sup> increasing the number of States Parties to 186. The number of States Parties to the Optional Protocol has also increased to 99.<sup>4</sup>

This increase reflects a positive trend, since this makes States Parties accountable to the Committee, which can act as a judicial body accessible to individual citizens.<sup>5</sup>

Since 2004, the Committee has issued two General Recommendations (GR) - an instrument to provide interpretation of the norms of the Convention - on “Temporary Special Measures aimed at accelerating de facto equality between men and women (art. 4, para. 1)” (2004) and “Women Migrant Workers” (2008). While no recommendation on rural women has been made, those on “Unpaid women workers in rural and urban family enterprises” (Nr. 16, 1991) and “Equality in marriage and family relations” (Nr. 21, 1994) are relevant, with the latter, in particular, addressing key issues related to women’s access to and control over land such as legal capacity, property rights, access to resources and inheritance.

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<sup>3</sup> Cook Islands (2006), Monaco (2005), Montenegro (2006), Oman (2006), Qatar (2009), Swaziland (2004), United Arab Emirates (2004).

<sup>4</sup> Angola (2007), Antigua and Barbuda (2006), Argentina (2007), Armenia (2006), Australia (2008), Belarus (2004), Botswana (2007), Bulgaria (2006), Burkina Faso (2005), Cameroon (2005), Colombia (2007), Cook Islands (2007), Equatorial Guinea (2009), Gabon (2004), Guinea Bissau (2009), Lesotho (2004), Libyan Arab Jamahiriya (2004), Maldives (2006), Mauritius (2008), Montenegro (2006), Mozambique (2008), Nepal (2007), Niger (2004), Nigeria (2004), Republic of Korea (2006), Republic of Moldova (2006), Russian Federation (2004), Rwanda (2008), San Marino (2005), Slovenia (2004), South Africa (2005), St. Kitts and Nevis (2006), Switzerland (2008), Tunisia (2008), Turkmenistan (2009), United Kingdom of Great Britain and Northern Ireland (2004), United Republic of Tanzania (2006), Vanuatu (2007).

<sup>5</sup> The OP also gives the Committee the right to initiate inquiries into situations of grave and systematic violations of women’s rights. State Parties have the right to opt out.

# Articles 14, 15 and 16 of CEDAW

Articles 14, 15 and 16 of the Convention on the Elimination of All Forms of Discrimination against Women–CEDAW deal with rural women, ownership of land, inheritance rights and right to access property.

## Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.
2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
  - a To participate in the elaboration and implementation of development planning at all levels;
  - b To have access to adequate health care facilities, including information, counselling and services in family planning;
  - c To benefit directly from social security programmes;
  - d To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
  - e To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
  - f To participate in all community activities;
  - g To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
  - h To enjoy adequate living conditions' particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

## Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

## Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
  - a The same right to enter into marriage;
  - b The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
  - c The same rights and responsibilities during marriage and at its dissolution;
  - d The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
  - e The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
  - f The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
  - g The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
  - h The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

# TABLE 1

## List of selected States Parties to the Convention on the elimination of all forms of discrimination against women

Initial and Periodic Reports considered between the Nineteenth and Forty-Fifth Sessions of the Committee on the Elimination of Discrimination against Women<sup>1</sup>.

### Africa

State Party	Convention: Date of Ratification, Accession or Succession (as of June 2010)	Committee: Last Report Considered Session/Year	Documents Available (Last Official Report)
Algeria	May-96	32nd/2005	CEDAW/Z/DZA/2 of 5 February 2003
Benin	Mar-92	33rd/2005	CEDAW/C/BEN/1-3 of 7 November 2002
Burkina Faso	Oct-87	33rd/2005	CEDAW/C/BFA/4-5 of 9 February 2004
Burundi	Jan-92	40th/2008	CEDAW/C/BDI/4 of 6 March 2007
Cameroon	Aug-94	43rd/2009	CEDAW/C/CMR/3 of 29 March 2007
Congo	Jul-82	28th/2003	CEDAW/C/COG/1-5 of 8 April 2002
DR Congo	Oct-86	36th/2006	CEDAW/C/COD/5 of 30 November 2004
Egypt	Sep-81	45th/2010	CEDAW/C/EGY/7 of 5 September 2008

<sup>1</sup> Tables 1, 2 and 3 gather information from official documents submitted to or published by the Committee up to the 45th Session (February 2010). Accordingly, only official reports submitted by June 2010 by States Parties, commented on by the Committee, and published on the OHCHR website have been included. In the next year, the following official reports will be reviewed and commented on by the Committee. For the 46th Session: Albania, Argentina, Australia, Fiji, Papua New Guinea, Russian Federation, Turkey and India - exceptional report (July 2010); for the 47th Session: Bahamas, Burkina Faso, Chad, Czech Republic, Malta, Tunisia and Uganda (October 2010); for the 48th Session: Algeria, Bangladesh, Belarus, Israel, Liechtenstein, Sri Lanka and South Africa (February 2011); for the 49th session: Costa Rica, Djibouti, Ethiopia, Italy, Nepal, Republic of Korea, Singapore and Zambia (July 2011).

## ►► Africa

State Party	Convention: Date of Ratification, Accession or Succession (as of June 2010)	Committee: Last Report Considered Session/Year	Documents Available (Last Official Report)
Equatorial Guinea	Oct-84	31st/2004	CEDAW/G/GNQ/4-5 of 11 February 2004
Guinea	Aug-82	39th/2007	CEDAW/C/GIN/6 of 7 September 2005
Kenya	Mar-84	39th/2007	CEDAW/C/KEN/6 of 16 October 2006
Madagascar	Mar-89	42nd/2008	CEDAW/C/MDG/5 of 29 January 2008
Malawi	Mar-87	45th/2010	CEDAW/C/MWI/6 of 20 October 2008
Morocco	Jun-93	40th/2008	CEDAW/C/MAR/4 of 18 September 2006
Mozambique	Apr-97	38th/2007	CEDAW/C/MOZ/1-2 of 14 November 2005
Namibia	Nov-92	37th/2007	CEDAW/C/NAM/3 of 2 September 2005
Nigeria	Jun-85	41st/2008	CEDAW/C/NGA/6 of 5 October 2006
Rwanda	Mar-81	43rd/2009	CEDAW/C/RWA/6 of 19 December 2007
South Africa	Dec-95	19th/2008	CEDAW/C/ZAF/1 of 25 February 1998
Tanzania, United Republic of	Aug-85	41st/2008	CEDAW/C/TZA/6 of 16 April 2007
Tunisia	Sep-85	27th/2002	CEDAW/C/TUN/3-4 of 2 August 2000
Uganda	Jul-85	Exc/2002	CEDAW/C/UGA/3 of 3 July 2000
Zambia	Jun-95	27th/2002	CEDAW/C/ZAM/3-4 of 12 August 1999
Zimbabwe	May-91	18th/1998	CEDAW/C/ZWE/1 of July 1996



## Asia

State Party	Convention: Date of Ratification, Accession or Succession (as of June 2010)	Committee: Last Report Considered Session/Year	Documents Available (Last Official Report)
Armenia	Sep-93	43rd/2009	CEDAW/C/ARM/4 of 23 January 2009
Azerbaijan	Jul-95	44th/2009	CEDAW/C/AZE/4 of 8 August 2009
Bahrain	Jun-02	42nd/2008	CEDAW/C/BHR/2 of 30 October 2008
Bangladesh	Nov-84	31st/2004	CEDAW/C/BGD/5 of 3 January 2003
Cambodia	Oct-92	34th/2006	CEDAW/C/KHM/1-3 of 11 February 2004
China	Nov-80	36th/2006	CEDAW/CHN/5-6 of 10 June 2004
Georgia	Oct-94	36th/2006	CEDAW/C/GEO/2-3 of 14 May 2004
India	Jul-93	37th/2007	CEDAW/C/IND/2-3 of 19 October 2005
Indonesia	Sep-84	39th/2007	CEDAW/C/IDN/4-5 of 27 July 2005
Iraq	Aug-86	23rd/2000	CEDAW/C/IRQ/2-3 of 19 October 1998
Jordan	Jul-92	39th/2007	CEDAW/C/JOR/3-4 of 10 March 2006
Kazakhstan	Aug-98	37th/2007	CEDAW/C/KAZ/2 of 17 March 2005
Kyrgyzstan	Feb-97	42nd/2008	CEDAW/C/KGZ/3 of 2 March 2007
Maldives	Jul-93	37th/2007	CEDAW/C/MDV/2-3 of 8 June 2005
Mongolia	Jul-81	42nd/2008	CEDAW/C/MNG/7 of 12 April 2007
Nepal	Apr-91	21st/1999	CEDAW/C/NPL/1 of 23 November 1998
Pakistan	Mar-96	38th/2007	CEDAW/C/PAK/1-3 of 3 August 2005
Philippines	Aug-81	36th/2006	CEDAW/C/PHI/5-6 of 2 August 2004
Sri Lanka	Oct-81	26th/2002	CEDAW/C/LKA/3-4 of 18 October 1999
Syrian Arab Republic	Mar-03	38th/2007	CEDAW/C/SYR/1 of 29 August 2005
Timor Leste	Apr-03	44th/2009	CEDAW/C/TLS/1 of 30 July 2009
United Arab Emirates	Oct-04	45th/2010	CEDAW/C/ARE/1 of 17 September 2009
Uzbekistan	Jul-95	45th/2010	CEDAW/C/UZB/4 of 12 September 2008
Viet Nam	Feb-82	37th/2007	CEDAW/C/VNM/5-6 of 22 June 2005
Yemen	May-84	41st/2008	CEDAW/C/YEM/6 of 13 March 2007

## Latin America

State Party	Convention: Date of Ratification, Accession or Succession (as of June 2010)	Committee: Last Report Considered Session/Year	Documents Available (Last Official Report)
Argentina	Jul-85	31st/2004	CEDAW/C/ARG/5/Add. 1 of 29 January 2004
Bolivia	Jun-90	40th/2008	CEDAW/C/BOL/2-4 of 27 March 2006
Brazil	Feb-84	39th/2007	CEDAW/C/BRA/6 of 29 August 2005
Chile	Dec-89	36th/2006	CEDAW/C/CHI/4 of 17 May 2004
Colombia	Jan-82	37th/2007	CEDAW/C/COL/5-6 of 11 April 2005
Cuba	Jul-80	36th/2006	CEDAW/C/CUB/5-6 of 6 January 2006
Ecuador	Nov-81	42nd/2008	CEDAW/C/ECU/7 of 2 March 2007
Guatemala	Aug-82	43rd/2009	CEDAW/C/GUA/7 of 7 January 2008
Honduras	Mar-83	39th/2007	CEDAW/C/HON/6 of 1 August 2006
Nicaragua	Oct-81	37th/2007	CEDAW/C/NIC/6 of 5 July 2005
Peru	Sep-82	37th/2007	CEDAW/C/PER/6 of 3 February 2004
Suriname	Mar-93	37th/2007	CEDAW/C/SUR/3 of 9 June 2005
Venezuela	May-83	34/2006	CEDAW/C/VEN/4-6 of 28 July 2004

## Europe

Albania	May-94	28th/2003	CEDAW/C/ALB/1-2 of 23 May 2002
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## TABLE 2

### Areas of concern and reference related to rural women in the concluding observations (CO) of the Committee on the elimination of discrimination against women

The Table provides a quick overview of legislative and policy areas to be addressed by States Parties for complying with the provisions of CEDAW. Concluding Observations (CO) are produced by the Committee on the basis of the Reports submitted by the States Parties and the information presented by civil society organizations that engaged in the review process. For watchdog groups and organizations, the Concluding Observations are an important tool both for monitoring the effective implementation of CEDAW and advocating for change.

## Africa

	Customary Law, de Jure and de Facto Equality	Access to Land and Property	Inheritance	Women's Access to Resources and Credit
Benin CEDAW/C/BEN/CO/3	(i) Personal and Family Code (2004) adopted; (ii) discriminatory customary practices on marriage and inheritance rights (p. 3)		Concern expressed <sup>1</sup>	
Burkina Faso CEDAW/C/BFA/CO/5	Deep-rooted gender stereotypes and patriarchal traditions that discriminate against women and violate their human rights (p. 5)	Full implementation of (i) the Agrarian and Land Reform; (ii) the Individual and Family Code required to improve access and inheritance rights to land (p. 6)		Concern expressed <sup>1</sup>
Cameroon CEDAW/C/CMR/CO/3	Need (i) to harmonize civil and customary law with the provisions of art. 16 of the Convention and (ii) to complete law reform in the area of marriage and family relations (p. 10)	(i) Traditional gender stereotypes persist; (ii) lack of access to the ownership of land; (iii) limited knowledge of property rights and lack of ability to claim them (p. 10)	Traditional inheritance practices discriminate against women (p. 10)	
D.R.Congo CEDAW/C/COD/CO/5	(i) The Family Code, the Labour Code and the Penal Code discriminate against women (p. 4); (ii) subordination perpetuated by traditional cultural practices (p. 4)			
Kenya CEDAW/C/KEN/CO/6	(i) Multiple marriage regime and discriminatory provisions in laws governing marriage and family relations; (ii) customary law and the Mohammedan Marriage and Divorce Act allows polygamy; (iii) marriage of children; (iv) legal responsibility of child of unmarried couples rests solely with the mother (p. 9)	(i) Slow progress towards the enactment of the draft National Land Policy, to improve access to and ownership of land; (ii) limited knowledge of property rights and lack of capacity to claim them	Need for appropriate measures to eliminate discrimination against women with respect to ownership and inheritance of land (p. 9)	
Madagascar CEDAW/C/MDG/CO/5	(i) Customary justice not fully complying with provisions of the Convention (p. 3); (ii) unequal status in marriage and family matters owing to traditional attitudes (p. 9)	Discriminatory practices limit access to economic resources such as credit facilities and adversely affect their land ownership, administration of property and inheritance (p. 8)		Precarious living conditions and lack of credit facilities and economic opportunities (p. 8)

<sup>1</sup> The Committee expressed concern without giving further detail

Participation in Policies/Programmes	Education and Illiteracy	Health	Lack of data	Other Area Addressed with Regard to Rural Women
		Concern expressed <sup>1</sup>	Information needed on de facto position of women in all sectors, including education, health and employment, access to credit, arable land and drinking water (p. 6)	
Concern expressed <sup>1</sup>		Concern expressed <sup>1</sup>	Concern expressed <sup>1</sup>	(i) Discriminatory provisions in the Individual and Family Code (1990), in relation both to polygamy and the minimum age of marriage for girls; (ii) emphasis needed on women's human rights
National awareness-raising campaigns required to highlight importance of participation in public and political life (p. 7)	Need to adopt measures to improve and monitor the education of girls living in rural areas (p. 8)	Improvement of access to affordable, quality health care and services needed (p. 9)	More comprehensive data and statistics on the direct support provided to rural woman needed (p. 10)	(i) Lack of legal aid clinic and legal literacy programmes; (ii) training of judges, especially those from customary courts, required on human rights, CEDAW and its Optional Protocol
Need for an integrated rural development policy to ensure participation in decision-making processes, access to health, education, justice, clean water, and sanitation services (p. 3)	Concern expressed <sup>1</sup>	Enhanced access to adequate sexual and reproductive health services critical for preventing early pregnancies and clandestine abortions (p. 6)	Need for sex-disaggregated data and information on the de facto position of rural women (p. 3)	(i) Necessity to sustain and coordinate networks of women's groups at both national and rural levels to develop constituencies that will monitor and advocate for their rights; (ii) limited access to justice because of illiteracy, legal costs, lack of information and assistance
Adoption of Political Parties Bill needed to address under-representation in leadership positions in political and public life	(i) Marked difference in the quality of and access to education between urban and rural areas; (ii) gender disparity in enrollment rates in public universities; (ii) lower transition rate from primary to secondary school for girls (p. 7)	Increased access to health-care facilities and medical assistance needed (p. 8)	Need for more comprehensive data on (i) the situation of rural women in all areas covered by the Convention, including the causes for the low percentage of women, as compared to men, who own land (p. 9); (ii) women in the labour force disaggregated by rural and urban areas (p. 7)	(i) Gender-based violence; (ii) lack of access to justice; (ii) expansion of legal assistance required
(i) Need to address underlying causes of limited participation in decision-making processes of public and political life (p. 6); (ii) lack of participation in development strategies and programmes (p. 9)	Concern expressed <sup>1</sup>	Lack of access to quality health-care, especially reproductive health services (p. 8)	Lack of comprehensive data and analysis, disaggregated by age as well as rural and urban areas (p. 9) on (i) women in the labour force (p. 7); (ii) domestic and sexual violence (p. 5)	(i) Adverse cultural norms, practices and traditions including the "bride price"; (ii) lack of access to land coupled with lack of job security and social security benefits; (iii) need for legal aid clinic in rural areas; (iv) lack of access to education, credit facilities and community services; (v) sexual exploitation

## ►► Africa

	Customary Law, de Jure and de Facto Equality	Access to Land and Property	Inheritance	Women's Access to Resources and Credit
Malawi CEDAW/C/MWI/CO/6	(i) Statutory and customary laws discriminate against women; (ii) weak public Legal Aid Department (p. 3); (iii) multiple marriage regimes and discriminatory provisions persist in the laws governing marriage and family relations (p. 8)	(i) Disproportionate lack of ownership of land and inheritance (p. 8); (ii) criminalization of property-grabbing may not be deterrent (p. 8)	Delay in the enactment of the (i) Gender Equality Bill; (ii) Deceased Estates (Wills, Inheritance and Protection) Bill; (iii) Marriage, Divorce and Family Relations Bill (p. 3)	Lack of access to credit facilities and income-generating projects (p. 8)
Mozambique CEDAW/C/MOZ/CO/2	Discriminatory customary practices persist with regard to marriage and family relations (p. 8)	Lack of access to the ownership of land, despite the existence of protective legal provisions (p. 7)	Discriminatory provisions existing in several areas of Mozambican law, including laws governing inheritance rights (p. 3)	
Tanzania CEDAW/C/TZA/CO/6	Lack of effective access to the ownership of land despite legislative changes (p. 12)	(i) Precarious living conditions in agricultural sector with limited access to land, job security and social security benefits (p. 9); (ii) limited knowledge of property rights and lack of capacity to claim them (p. 12)	Amended land laws fail to address the issue of discriminatory inheritance rights (p. 12)	
Rwanda CEDAW/C/RWA/CO/6		Lack of measures ensuring access to health services, education, clean water, electricity, land, and income-generating projects (p. 8)		(i) Low participation in decision-making processes; (ii) lack of access to credit facilities (p. 9)
South Africa A/53/38/Rev.1, paras. 100-137	Widespread discrimination due to patriarchal traditions including the Customary Marriage Act, which deems married women as minors under the guardianship of husbands (p. 1-2)		Need for uniform Family Code to address gender inequities in terms of inheritance, land rights and polygamous marriages created by adherence to discriminatory cultural and religious practices (p. 3)	
Uganda A/53/38, paras. 278-344	(i) Failure to adhere both to art. 33 (6) of the Constitution and the Convention; (ii) legislation, customary laws and practices on inheritance, land ownership, widow inheritance, polygamy, forced marriage, bride price, guardianship of children and the definition of adultery all continue to discriminate against women (p. 6)	Committee requests enactment of the draft Land Act (p. 3) and urges the elimination of discrimination with respect to the ownership, co-sharing and inheritance of land	Traditional practices prevent inheritance or acquisition of land or other property	Concern expressed <sup>1</sup>
Zambia A/57/38, paras. 211-261	Contradictory provisions in the Constitution, whereby art. 11 guarantees the equal status of women while art. 23 (4) permits discrimination in areas of personal law on revenue allocation, adoption, marriage, divorce, burial, devolution of property on death (p. 3)			Concern expressed <sup>1</sup>

Participation in Policies/Programmes	Education and Illiteracy	Health	Lack of data	Other Area Addressed with Regard to Rural Women
Minimal participation in decision-making (p. 5)	Need to (i) improve educational infrastructure, (ii) raise awareness about importance of education as a human right and a basis for empowerment (p. 6)	Lack of access to sexual and reproductive health services, including skilled birth attendance and adequate post-natal care and high incidence of maternal mortality (p. 7)	Concern expressed <sup>1</sup>	(i) Access to justice; (ii) the persistence of traditions that violate women's human rights and adversely affect equality and advancement (p. 8)
(i) Poverty; (ii) illiteracy; (iii) difficulties in access to health and social services; (iv) lack of participation in community decision-making processes; (v) specific concern about female heads of household (p. 7)	Concern expressed <sup>1</sup>	Concern expressed <sup>1</sup>	Concern expressed <sup>1</sup>	(i) Impact of environmental degradation; (ii) need to disseminate information on the Land Law (1997); (iii) lack of adequate knowledge about rights under the Convention, including among the judiciary, and at the level of community courts
(i) Measures needed to increase participation in designing and implementing development plans; (ii) focus needed on female heads of household (p. 12)	Concern expressed <sup>1</sup>	Concern expressed <sup>1</sup>	Need for comprehensive data in all areas covered by the Convention, including causes for low percentage of land ownership and efforts by the States Parties to increase this percentage (p. 12)	(i) Trafficking and sexual exploitation; (ii) relegation to traditional gender roles of farming and child-rearing with no opportunity for waged employment
Concern expressed <sup>1</sup>	Concern expressed <sup>1</sup>	Concern expressed <sup>1</sup>		
Concern expressed <sup>1</sup>	Concern expressed <sup>1</sup>	Concern expressed <sup>1</sup>		Participation in land reform policy needed
Concern expressed <sup>1</sup>	Concern expressed <sup>1</sup>	High rate of maternal mortality among teenage girls frequently a result of clandestine abortions (p. 5)	Concern expressed <sup>1</sup>	
	Concern expressed <sup>1</sup>	High level of maternal and infant mortality, low life expectancy, high rate of teenage pregnancy, unsafe abortions, lack of adequate healthcare facilities and family planning services (p. 4)		Unreliable or non-existent road infrastructure inhibits ability to market produce

## ►► Africa

	Customary Law, de Jure and de Facto Equality	Access to Land and Property	Inheritance	Women's Access to Resources and Credit
Zimbabwe A/53/38, paras.120-166	(i) Discriminatory traditional practices; (ii) exploitation in terms of work (p. 3)			

## Asia

Bangladesh CEDAW/C/BGD/CO	(i) Provisions of CEDAW not incorporated into domestic law (p. 3); (ii) traditional practices of gender discrimination including polygamy (p.4)		Need to adopt a uniform Family Code that complies with CEDAW and General Recommendation 21 on equality in marriage and family relations (p. 4)	
Cambodia CEDAW/C/KHM/CO/3	Traditional code of conduct known as chbab srey legitimizes discrimination against women and impedes their human rights (p. 4)	(i) Lack awareness of rights and understanding of the land registration process under Land Law; (ii) confiscation of land by private companies results in loss of livelihood for female heads of household; (iii) exclusion from decision-making processes concerning land distribution (p. 7)		Concern expressed <sup>1</sup>
India CEDAW/C/IND/CO/3	Discrepancies between de jure and de facto equality; hence, priority need for gender-sensitivity training, capacity-building and proactive steps to remove structural barriers to equality (p. 3)	(i) Concerns about tribal and rural women necessitate the need: to study the impact of megaprojects and to institute safeguards against displacement and violation of their human rights; to ensure that surplus land given to them is cultivable; to guarantee that they have individual rights to inherit and own land and property (p. 9); (ii) Special Marriage Act denies equal rights to property accumulated during marriage (p. 10)	Concern expressed <sup>1</sup>	(i) Need to ensure de facto benefit from the 2005 National Rural Employment Guarantee Act; (ii) support needed for poor who are not able to participate in self-help groups and do not have access to credit (p. 7)
Indonesia CEDAW/C/IDN/CO/5				Need to ensure participation in decision-making processes and full access to legal aid, education, health services and credit facilities (p. 9)
Nepal A/54/38, paras.117-160		Need to amend discriminatory laws on (i) property and inheritance; (ii) marriage; (iii) nationality and birth registration (p. 3)		



Participation in Policies/Programmes	Education and Illiteracy	Health	Lack of data	Other Area Addressed with Regard to Rural Women
Need to implement affirmative action measures with respect to education, employment and political participation (p. 2)	Concern expressed <sup>1</sup>	HIV/AIDS pandemic (p. 1)		
			Concern expressed <sup>1</sup>	Arsenic poisoning of water adversely affects women of reproductive age
Concern expressed <sup>1</sup>	High illiteracy rates (p. 5)	Concern expressed <sup>1</sup>	Report lacks information and data about minority groups, especially in rural areas	(i) Traditional and cultural factors prevent exercise of rights within the family; (ii) high level of poverty; (iii) need to disseminate information on Land Law and the land registration process; (iv) need for legal aid in rural areas
		Low status of women's health and high maternal mortality rate (p. 7)	(i) Insufficient statistical data disaggregated by sex, caste, minority status, ethnicity, etc.; (ii) lack of information about results achieved by various measures including the 2005 National Rural Employment Guarantee Act (p. 3)	(i) Low quality and scope of free legal services; (ii) inconsistencies between initiatives taken by the central Government and actual policy of States and union territories; (iii) customary practices, such as dowry, sati and the devadasi system; (iv) extreme violence against women through the practice of witch-hunting
Concern expressed <sup>1</sup>	Obstacles to education for girls in rural and remote areas (p. 7)	(i) Limited health care for women in remote areas; (ii) lack of information, bureaucratic obstacles and financial barriers inhibit registration of births and acquisition of birth certificates (p. 9)		(i) Lack of legal awareness; (ii) persistence of entrenched patriarchal attitudes about gender roles and responsibilities; (ii) discriminatory provisions contained in the Marriage Act of 1974
		Concern expressed <sup>1</sup>	Weak data (p. 5)	(i) Widespread poverty in rural and remote areas; (ii) disparity between the situation of women in urban versus rural and remote areas; (iii) persistence of patriarchal norms and discriminatory cultural practices including child marriage, dowry, polygamy, caste systems

## ▶▶ Asia

	Customary Law, de Jure and de Facto Equality	Access to Land and Property	Inheritance	Women's Access to Resources and Credit
Pakistan CEDAW/C/PAK/CO/3	(i) Pakistan's accession to the Convention was subject to the Constitution of the Islamic Republic of Pakistan (p. 3); (ii) de jure discrimination persists in a number of laws, including the Citizenship Act (1951), the Law of Evidence (1984) on the value of women's testimony, and the Hudood Ordinances (1979), in particular, those related to "Offences of Zina"	Lack of adequate access to health care, education, clean water and sanitation services and the means and opportunities for economic survival, including access to land (p. 8)		
Philippines CEDAW/C/PHI/CO/6	(i) The Magna Carta for Women Bill, the Marital Infidelity Bill and several other bills aimed at amending the Family Code, the Civil Code and the Revised Penal Code are still pending; (ii) discriminatory provisions exist in the Code of Muslim Personal Laws, which permits marriage of girls under the age of 18, polygamy and arranged marriages (p. 2)	Need to introduce and support vigorously legislation which permits divorce, remarriage after divorce, the right to administer property during marriage, and equal rights to property on divorce (p. 7)		Focus needed in the autonomous region of Muslim Mindanao to ensure access to health care, social security, education, clean water and sanitation services, fertile land, income-generating opportunities and participation in decision-making processes (p. 6)

## Latin America

Bolivia CEDAW/C/BOL/CO/4	(i) Disparity between de jure and de facto equality; (ii) discriminatory provisions in the States Parties' criminal and civil law such as art. 317 of the Penal Code regarding rape, and art. 130 of the Family Code on the grounds for divorce; (iii) need to ensure that indigenous concepts and practices are consistent with the Convention (p. 4)	(i) Persistence of high levels of poverty and social exclusion (p. 2); (ii) need to implement measures to ensure access to land, housing, healthcare and basic social services (p. 3)		
Chile CEDAW/C/CHI/CO/4		Slow progress in law reform, pending since 1995, aspiring to grant wife and husband equal rights and obligations in property ownership (p. 2)		
Colombia CEDAW/C/COL/CO/6				
Ecuador CEDAW/C/ECU/CO/7				High rates of under-employment and unemployment as well as segregation in low-wage employment sectors (p. 7)

Participation in Policies/Programmes	Education and Illiteracy	Health	Lack of data	Other Area Addressed with Regard to Rural Women
Concern expressed <sup>1</sup>	(i) High illiteracy rates; (ii) low enrollment and high attrition rates for girls in schools; (iii) gender-based segregation in education seriously hinders professional opportunities	(i) Lack of access to health care, particularly sexual and reproductive health services (ii) clandestine abortions are a major cause of maternal mortality (p. 7)		(i) Pervasive patriarchal attitudes and deep-rooted gender stereotypes with regard to roles and responsibilities in the family, workplace and society; (ii) inadequacy of registration of birth and marriages; (iii) lack of national identity cards
Concern expressed <sup>1</sup>	Concern expressed <sup>1</sup>		Lack of sex-disaggregated data on the situation of rural, indigenous and Muslim women, and the impact of measures taken and results achieved with policies and programmes for these groups of women (p. 6)	(i) Impact of trade liberalization policies; (ii) patriarchal attitudes and stereotypes; (iii) over-representation in the informal economy, which negatively affects eligibility for social security and health care; (iv) lack of sex education
	Low level of education, exacerbated by lack of infrastructures, distance, the risk of violence, the cost of transport and language (p. 6)	(i) Lack of gender perspective in delivery of health services; (ii) access to and support for family planning and reproductive health programmes and services needed (p. 7); (iii) high rate of maternal mortality (p. 7)	(i) Invisibility of the Afro-Bolivian community in the national statistics (p. 3); (ii) need for more systematic data on involvement in formal and informal sectors of the economy with respect to sex, age, ethnicity, rural and urban areas (p. 6)	(i) Lack of identity documents; (ii) lack of legal awareness and ability to exercise rights reduces access to justice; (iii) gender stereotypes manifested in education, employment, politics and society, in general; (iv) lack of a general employment policy to address position of women in the informal sector
			Need for more detailed disaggregated data on women in all labour markets (p. 3)	
	(i) High illiteracy rates; (ii) low school enrollment and high attrition rates; (iii) poor access to health care, including sexual and reproductive health (p. 7)	(i) High rate of maternal mortality (p. 5); (ii) appropriate sex education required in standard education curriculum (p. 5)		(i) Persistent vulnerability in armed conflict; (ii) lack of a gender perspective in rural development programmes
Inadequate representation of indigenous women and women of African descent in local councils (p. 3)	(i) Persistent illiteracy in indigenous population; (ii) high drop-out rates in schools; (iii) gender disparity in access to higher education (p. 7)	(i) High rates of teen pregnancy and maternal mortality; (ii) lack of resources for full implementation of the Free Maternity Care Act (p. 8)	The system of social indicators needs strengthening and disaggregated data needed on the situation of indigenous women and women of African descent (p. 4)	(i) Significant social exclusion of indigenous women and women of African descent; (ii) resources invested in sectors that reinforce traditional gender roles; (iii) trafficking and sexual exploitation

## ▶▶ Latin America

	Customary Law, de Jure and de Facto Equality	Access to Land and Property	Inheritance	Women's Access to Resources and Credit
Guatemala CEDAW/C/GUA/CO/7 Advanced Unedited Version		(i) New economic development plans threaten displacement (p. 9); (ii) need for defined and time-bound measures to improve the conditions of indigenous women and ensure that Maya, Xinca and Garifuna women have access to land, education and health services and full participation in decision-making processes (p. 11)		Need to strengthen initiatives aimed at encouraging economic empowerment through access to land and credit (p. 9)
Honduras CEDAW/C/HON/CO/6				
Nicaragua CEDAW/C/NAM/CO/3	(i) CEDAW not fully incorporated into domestic legislation; (ii) delay in the enactment of a comprehensive legal framework to eliminate discrimination against women; (iii) delays in the adoption of a Family Code and a draft law on equal rights and opportunities (p. 2); (iii) indigenous and Afro descendent women face multiple forms of discrimination (p. 7)	High levels of poverty, lack of access to land, credit and basic social services, including health, education and training, and very limited participation in decision-making (p. 7)		Concern expressed <sup>1</sup>
Peru CEDAW/C/PER/CO/6				
Venezuela, Bolivarian Republic of CEDAW/C/VEN/CO/6				

## Europe

Albania Part A/58/38, paras. 41-86	Concern expressed <sup>1</sup>	(l) Poverty, poor infrastructures and gender discrimination limit access to ownership and inheritance of property, education, health-care services and social insurance (p. 5)	Need to undertake a study of the ownership and inheritance of land, general economic, educational and social situation of rural women (p. 5)	Development of policies aimed at the economic empowerment needed to ensure access to productive resources, capital and credit, education, health-care services, social insurance and decision-making (p. 5)
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Participation in Policies/Programmes	Education and Illiteracy	Health	Lack of data	Other Area Addressed with Regard to Rural Women
	Illiteracy addressed by training bilingual teachers and extending bilingual education to all indigenous communities (p. 8)	(i) High maternal and infant mortality rates; (ii) limited access to medical and reproductive health care services (p.9); (iii) need for enhanced training of health professionals, including midwives (p. 10)	Lack of data on Maya, Xinka and Garifuna women (p. 11)	(i) Lack of women's awareness of their rights; (ii) high levels of poverty and social exclusion
			Insufficient statistical data in all areas covered by the Convention, in relation to factors such as age, ethnicity and rural and urban areas (p. 7)	(i) Need for legal awareness campaigns and legal aid services in rural areas; (ii) need to remove all impediments to access to justice, including legal costs and delays
Concern expressed <sup>1</sup>	Need for effective nationwide health and educational programmes, including functional literacy (p. 6)	Inadequate protection of reproductive health and rights (p. 4)	(i) Need for more data disaggregated by age ethnicity, and urban and rural areas; (ii) assessment of the impact of measures taken toward the practical realization of women's de facto equality (p. 3); (iii) need to map situation of indigenous women and women of African descent (p. 8)	Lack of access to justice in cases of violence
Focus needed on rural, indigenous and minority women to ensure participation in decision-making processes, access to justice, education, health services and credit facilities (p. 7)	High levels of illiteracy and school drop-out rates for rural girls given gender disadvantages in access to and quality of education (p. 5)	(i) High rate of teenage pregnancies obstructs educational opportunities and economic empowerment; (ii) limited availability of contraceptives (p. 5)	Lack of data disaggregated by urban and rural areas and by ethnicity on the impact of measures taken and results achieved in the practical realization of de facto equality (p. 2)	(i) Lack of documentation registering rural women's births; (ii) need for legal awareness and legal literacy campaigns; (iii) widespread poverty increasing vulnerability to violations of human rights; (iv) racism and multiple forms of discrimination against Afro-Peruvian women
	Lack of de facto equality of indigenous women and women of African descent in the fields of education, employment, health, and public and political life (p. 3)	Need to ensure access to sexual and reproductive health services (p. 6)	Lack of statistical data and analysis, disaggregated by sex, on the impact of programmes and policies in urban and rural areas, on indigenous groups and those of African descent (p. 4)	Access to legal aid
Concern expressed <sup>1</sup>	Concern expressed <sup>1</sup>	Concern expressed <sup>1</sup>		(i) Social insurance and decision-making; (ii) trafficking

## Africa

	Equality Enshrined in the Constitution	Equal Access to Land	Right to Property
Benin CEDAW/C/BEN/1-3 of 7 November 2002	(i) Incorporation of the provisions of the African Charter of Human and People's Rights in the Constitution (art. 18) (p. 16) (ii) principle of equality enshrined in art. 26 of Constitution, though "discrimination" remains undefined	(i) Rural women relegated to impoverished land unwanted by male family members, necessitating rental of land (ii) Increasing ownership of cultivable land by women with financial means (p. 78)	Right to administer property guaranteed without intervention or consent of men, though married and widowed women encounter challenges to this rule (p. 80)
Burkina Faso CEDAW/C/BFA/4-5 of 9 February 2004	(i) Art. 1 of the Constitution (1991) prohibits all forms of discrimination (p. 15) though discriminatory legislation, measures and administrative practices exist (p. 15); (ii) lack of legal definitions of what constitutes discrimination against women	(i) Uneven application of equality of access to land and housing granted by Agrarian and Land Reform (ARF); (ii) women regarded as absolute property of men in rural areas (p. 42)	Excepting stipulations in the provisions concerning joint property (p. 45), formal laws do not discriminate on the basis of gender in terms of the right to own, acquire or dispose of property (45)

## TABLE 3

### Legislation pertaining to women's access to land, inheritance and legal capacity (as presented in the official reports submitted to and discussed by the Committee)

The Table presents information adapted from the official documents submitted by the national governments to the CEDAW Committee. For exact wording, please refer to the originals. The Table includes only that information from

Inheritance / Succession	Legal Capacity	Obstacles
(i) Customary laws deny succession and inheritance rights to daughters (p. 23) though land can be passed to daughters from mothers (p. 78); (ii) deceased husband's family frequently challenge widows when administering property (p. 80); (iii) administrators of property in polygamous marriages are usually the husband's brother or the eldest son or daughter	(i) Customary law relegates women to status of perpetual minors and as their husband's chattels in terms of inheritance (p. 17); (ii) Civil Code grants full capacity to conclude all contracts, though husband's consent may be required in some cases	(i) Draft Code of Persons and Family to resolve legal duality between customary and statutory law under study in the National Assembly (p. 17); (ii) other relevant draft Acts pending in the National Assembly; (iii) legislative and judiciary practice based upon legal duality
(i) Equal rights of inheritance of land and property guaranteed to widows (p. 46) and their daughters (p. 47), but prevented by custom; (ii) legal status and inheritance rights in polygamous families often problematic (p. 16)	(i) Majority-aged women have equal access to courts (p. 42), the right to conclude contracts, administer property and execute wills (p. 43); (ii) apart from the Individual and Family Code (1990) there is a lack of extensive legislation in civil and commercial matters and provisions that discriminate against women remain (p. 43)	(i) Single and barren women viewed as ill-fated and often abandoned or repudiated (p. 42); (ii) discriminatory customs, traditional practices and widespread illiteracy hinder empowerment (p. 8)

States Parties' Reports which has been commented on by the Committee. A more nuanced picture of the implementation of the CEDAW provisions can be obtained by supplementary reading of the Committee's Concluding Observations (Table 2) and alternative Reports ("shadow reports") presented by civil society organizations. Please note that the Table is not able to grasp hierarchy and relations between statutory law and customary law and practices, especially at the local level. Equally, information in the Table may be uneven given that it is based on the last submitted Report which may be an integration of previous Reports. Notwithstanding, the Table provides a significant entry point to relevant legislation from the point of view of the States Parties.

## ►► Africa

	Equality Enshrined in the Constitution	Equal Access to Land	Right to Property
Cameroon CEDAW/C/CMR/3 of 29 March 2007	(i) Principle of gender equality embodied by law (p. 16); (ii) legal definitions of discrimination remain in process of draft law (p. 17)		Customary law relegates women to status of property responsible only for management of household, thereby inhibiting independent financial transactions, inheritance and land ownership (p. 22)
D.R.Congo CEDAW/C/COD/5 of 30 November 2004	Art. 51 of the Transitional Constitution (2003) is consistent with CEDAW (p. 11)	(i) Cultivable land usually appropriated by men; (ii) lack of education; (iii) limited access to credit, facilities, and fertilizers (p. 41)	(i) According to the Act 73-021 (1973), the State has exclusive ownership of land and subsoil; (ii) no gender discrimination with regard to right to land concessions, but women are ignorant of access procedures (p. 20).
Kenya CEDAW/C/KEN/6 of 16 October 2006	(i) New Constitution rejected in 2005 and current Constitution is inconsistent with the Convention (p. 40) as discrimination is permitted in matters of personal law, marriage, divorce, adoption and devolution of property at death (§83 (4) b and c) (p. 2); (ii) Law prohibits discrimination on the basis of sex (p. 9) and provides that every person is entitled to fundamental rights and freedoms including protection of law (p. 40)	The Draft National Land Policy includes policy recommendations: (i) outlawing all laws and practices which constitute gender-based discrimination regarding access to, ownership and control of land; (ii) harmonization of Succession and Property Law; (iii) institution of legal measures to ensure entitlement to equal rights in land before, during and upon dissolution of marriage and after death of the spouse (p. 37)	Patriarchal cultural practices inhibit administration of land and other property despite legal provisions which permit entry into contractual obligations (p. 40)
Madagascar CEDAW/C/MDG/5 of 29 January 2008	The Constitution guarantees formal and actual equality (arts. 8, 2, 27, 28) and acknowledges CEDAW as an integral part of Malagasy Law (p. 35)	Ordinance No. 60-146 of 3 October 1960 grants women rights to become landowners under art. 123, sub. 2 (p. 41), though customary rules restrict acquisition (p. 77)	
Malawi CEDAW/C/MWI/6 of 20 October 2008	(i) The 1995 Constitution provides for equality of individuals before the law with specific reference to gender equality (p. 9); (ii) since 2006, a Constitutional Review process has been working to domesticate CEDAW's provisions (p. 10); (iii) development of a Gender Equality Statute Programme (due for completion in 2008) should provide a legislative definition of discrimination (p. 22)	(i) Review of existing legislation by the Law Commission to align it with the new land policy; (ii) proposals to introduce title holding in Malawi may deprive women of traditional rights to own land guaranteed to them in a matrilineal society, even if that land is also traditionally controlled by men (p. 47)	The constitution guarantees the right to acquire and maintain rights in property including that obtained by inheritance; and, upon dissolution of marriage, the right to a fair disposition of property that is held jointly with a spouse; the right to fair maintenance (p. 45)
Mozambique CEDAW/C/MOZ/1-2 of 14 November 2005	(i) The Constitution explicitly refers to gender equality in arts. 6, 67, 69; arts. 71-100 provide all citizens with equal rights (p. 15), though no legal definition of discrimination exists (p. 17); (ii) the Constitution prohibits discrimination on the basis of gender, but not on the basis of marital status, leaving room for legislation that conflicts with constitutional principles (p. 17)	Statutory law formally establishes gender equality before the law, in the use of land, but in marriage, the husband owns family assets (p. 55) and land can be only registered in the name of the head of the household; (ii) 1997 Land Law creates the principles of land co-ownership in a couple, during the passing of land ownership titles (p. 19) to address the contradiction that women's individual rights are weakened through marriage	(i) Art. 1305 of the Civil Code implies equal rights in terms of ownership and disposal of property; (ii) in practice, the law also requires the authorization of male spouses in most transactions for disposal of property, (even those which lie outside of the mutual spousal agreement required in marriages where there is communion of goods) (p. 22)



## Inheritance / Succession

## Legal Capacity

## Obstacles

Limited land ownership and exclusion from inheritance rights (p. 55)

(i) Socio-cultural constraints; (ii) weak economic power of women; (iii) lack of legal awareness, especially about CEDAW; (iv) low representation of women; (v) lack of access to basic social services, agricultural credit and loans, and appropriate technology and land (p. 51)

(i) Married women require prior authorization for right of concession on land (p. 20); (ii) conflict between art. 215 of the Family Code, which restricts the legal capacity of married women (p. 20) and art. 15 of CEDAW (p. 17); (iii) joint and individual property is presumed to be entrusted to the husband according to art. 490 of the Family Code (p. 18)

(i) Customary laws of most ethnic groups deny inheritance and suffer women to live on the land as a guest of male relatives by blood or marriage (p. 5); (ii) Law of Succession Act (1981) provides a uniform code for devolution of property on death and equal rights to inherit and own property, but does not extend these rights to women in relation to agricultural property in communally owned land (Cap. 160, Laws of Kenya) (pp. 5 and 47); (iii) Muslims can be exempted from the Succession Act

(i) Law of Contract allows equal capacity to administer contracts; (ii) provision in §75 (1) read with §81 (1) of the Constitution entitles all persons to settle anywhere in the country, own property and have the law protect their interests (p. 40)

(i) Access to credit facilities (p. 37-38); (ii) lack of awareness about property rights (p. 38); (iii) changes in matters of personal law, divorce, inheritance and adoption require long and challenging constitutional amendments; (iv) customary law, including practices such as bride price and wife inheritance, is strong and antagonistic to change

(i) Art. 20 of the Constitution grants equal rights to inheritance (p. 37); (ii) Act 68-012 of 1968 concerning donations, wills and successions enshrines gender equality (p. 80); (iii) Act No. 90-014 of 20 July 1990 institutes the equal sharing of community property at the dissolution of the marriage (p. 34); (iv) traditional ancestor customs disqualify women and girls from inheriting land and real estate in certain areas

(i) No restrictions by gender or marriage in terms of legal capacity (Ordinance 62-089 of 196); (ii) the right to sue under CEDAW which is an integral part of the law

(i) The Wills and Inheritance Act and the Registered Land Act condones gender discrimination; (ii) government review of the Wills and Inheritance Act recommended the adoption of a new Bill to abolish all customary laws involving succession, with a specific focus on discriminatory inheritance practices which decree that a daughter inherits less than a son (p. 12).

(i) The constitution guarantees legal capacity to enter into contracts, the right to acquire and maintain rights in property, the right to acquire and retain citizenship and assert rights (p. 47); (ii) women remain dependent on men in practice through customary law

(i) Gender-based discriminatory practices; (ii) extreme poverty; (iii) lack of consensus between political forces and participants in the women's movement; (iv) limited access to property ownership and the absence of a comprehensive public policy enhancing access to credit; (v) customary law assumes superior status of men in terms of political and family leadership, land holding and dealing in land; property grabbing; (vi) Malawi has yet to ratify the Optional Protocol to CEDAW

(i) Application of inheritance rights is problematic due to entrenched cultural values and customary laws, local traditions, and lack of awareness of existing laws (p. 67); (ii) in practice, women benefit from inherited assets only if there is no older child and no living relatives of the deceased (p. 65)

(i) Inequality before the law in terms of management of contracts due to definitions of men as head of family which necessitates that women require authorization from men (p. 61)

## ►► Africa

	Equality Enshrined in the Constitution	Equal Access to Land	Right to Property
Rwanda CEDAW/C/RWA/6 of 19 December 2007	(i) The 2003 Constitution reaffirms the commitment to the principles of human rights, as defined by international instruments, including CEDAW; (ii) art. 190 states that ratified International Conventions have higher authority than ordinary laws (p. 33); (iii) equality is also considered in arts. 9, 11, 16	Law 8/2005, governing the use and management of land, prohibits any discrimination based on gender in matters relating to access to land, or ownership or enjoyment of rights over land, and clearly stipulates that the husband and wife have equal rights to real property (art. 4) (p. 64). The same law also establishes Land Commissions at different levels, which include both men and women (art. 8)	Art. 50 of the law on matrimonial regimes, bounties and successions gives each spouse, regardless of the matrimonial regime, the right to review any act of donation or any act conveying rights to family assets or property (p. 64).
South Africa* CEDAW/C/ZAF/1 of 25 February 1998	No change since 2004 <sup>1</sup>	No change since 2004	No change since 2004
Tanzania CEDAW/C/TZA/6 of 16 April 2007	Definition of discrimination as given by CEDAW art. 13 (4) taken into account in the 13th Amendment of the Constitution In 2000.	(i) The Land Act No. 4 of 1999 and the Village Lands Act No. 5 of 1999 grant women the right to acquire, own and use land (p. 12), allow for the mortgage of land with spousal consent, and increase women's access to credit (p. 16); (ii) women have unequal access to ownership and control of major productive resources.	
Uganda CEDAW/C/UGA 3 of 3 July 2000	No change since 2004	No change since 2004	No change since 2004
Zambia CEDAW/C/ZAM/3-4 of 12 August 1999	No change since 2004	No change since 2004	No change since 2004
Zimbabwe CEDAW/C/ZWE/1 of July 1996	No change since 2004	No change since 2004	No change since 2004

## Asia

Bangladesh CEDAW/C/BGD/5 of 3 January 2003	(i) The Constitution guarantees equal rights in every sphere of public life (arts. 27, 28, 29); (ii) the government is currently assessing whether to withdraw its reservations about the provisions of art. 2 and art. 16 of CEDAW, originally considered to conflict with Sharia law.		
Cambodia CEDAW/C/KHM/1-3 of 11 February 2004	(i) Art. 31, §1 of the Constitution recognizes Conventions related to human rights, women's rights and children's rights, including CEDAW; (ii) art. 45 (1) abolishes all forms of "discrimination against women" though the term remains undefined in law; (iii) art. 45 (2) recognizes gender equality in all fields, especially in marriage and the family (p. 17); (iv) affirms gender equality before the law in art. 31(1) and in terms of political, social, economic, cultural and work rights in art. 34, art. 35 and art. 36	The Land Law (2001) gives women the right to be owners of immovable property (p. 21)	(i) Constitution guarantees equal rights to ownership (art. 44); (ii) Khmer citizens and Khmer legal entities have rights to land ownership (p. 75); (iii) Law on Marriage and Family grant husband and wife equal right to use and manage joint property (art. 32) and consent of both spouses is required when joint property is sold or given as donation (art. 37)

<sup>1</sup>Please refer to FAO, IFAD and ILC (2004), *Rural Women's Access to Land and Property in Selected Countries*, Rome, for information on legislation prior to 2004.

Inheritance / Succession	Legal Capacity	Obstacles
Law 22/1999 on matrimonial regimes, bounties and successions recognizes the right of a girl to inherit property belonging to her family (art. 50) and requires the consent of both spouses both for any act of donation of family property or assets and for the recognition of any right over those assets (art. 21)	Art. 212 and art. 213 of the Family Code recognize equal legal capacity inside and outside of marriage (p. 63)	(i) Poverty; (ii) ignorance of the law; (iii) traditional models, taboos and stereotypes reinforce gender-based discrimination (p. 15)
No change since 2004	No change since 2004	No change since 2004
The Law Review Commission has recommended amendments to the laws that discriminate against women including proposals on customary and other practices that prevent inheritance of land and property	(i) Enhancing legal capacity is one of the core areas of the Sub-Programme for Women and Gender Advancement (1997-2003); (ii) the Village Lands Act No. 5 of 1999 also provides for adequate representation in the Land Allocation Committees and the Land Administration Boards.	Striking differences between de jure and de facto equality
No change since 2004	No change since 2004	No change since 2004
No change since 2004	No change since 2004	No change since 2004
No change since 2004	No change since 2004	No change since 2004
(i) Interpretations of Religious Personal Law are followed in cases of property inheritance, marriage and divorce, custody and guardianship; (ii) discriminatory situations arise as different faiths come under somewhat different provisions of law (p. 10)	(i) Legal equality guaranteed except for those areas covered under the Personal Laws; (ii) Contract Law (1972) sanctions equal right to contracts, including those related to credit, real estate and other property as well as other commercial transactions, in their own names; (iii) the law provides equality in relation to freedom of movement, choice of residence and domicile, though, in practice, women's domicile is determined by cultural norms which determine that women reside with fathers until marriage (p. 40)	(i) Personal Laws that govern family life are a major impediment for the exercise of fundamental human rights regarding marriage, divorce, custody of children, alimony and property inheritance; (ii) increasing violence, rape and oppression, especially acid throwing (p. 11)
	(i) Law on Contracts and other Liabilities grants equal right to enter into contracts and obligations (art. 14), though married women require spousal agreement to enter contracts related to joint property (p. 75); (ii) equal access to the court and the right to defense through judicial recourse (art. 38.8)	(i) Lack of awareness of rights or choose to ignore them because of traditional gender beliefs; (ii) failure to claim rights to be shareholders of joint property has repercussions in cases of divorce as women lose their rights to joint property (p. 75)

## ▶▶ Asia

	Equality Enshrined in the Constitution	Equal Access to Land	Right to Property
India CEDAW/C/IND/2-3 of 19 October 2005	(i) The Constitution guarantees equality and prohibits discrimination on the grounds of sex (arts. 14-16) (p. 3); (ii) "equality" and "discrimination" are not legally defined; (iii) the Supreme Court and other High Courts have considered the equality clause in the Constitution as the embodiment of the concept of real and substantive equality, and have used it to interpret the definition of "equality" in many cases (AIR 1976 SC 490; AIR 1999 SC 1161) (p. 14)	(i) Land reforms on agricultural lands (1972), grant surplus land to the landless and issue title in the name of both husband and the wife (p. 37); (ii) at the State level, the Common Minimum Programme has promoted new legislation that gives women equal rights to ownership of assets like houses and land; (iii) government has issued policy directives to all States through various Five Year Plans on allotment of land on joint title deeds in the name of husband and wife and in the name of women alone (p. 83)	Legal entitlement to hold property in own names, but most immovable properties are registered in the name of the man (p. 82)
Indonesia CEDAW/C/IDN/4-5 of 27 July 2005	(i) The Constitution considers discrimination a violation of human rights (art. 28 I (2)) (p. 9); (ii) discrimination is defined by the Law on Human Rights 39 (1999), which also acknowledges equal rights between men and women in law and civil life (p. 10); (iii) art. 28 H(2) of the Constitution also affirms rights to facilitation and special treatment order to achieve equality and fairness (p. 18)		Right to engage in any transaction related to property and real estate (p. 55)
Nepal CEDAW/C/NPL/1 of 23 November 1998	No change since 2004	No change since 2004	No change since 2004
Pakistan CEDAW/C/PAK/1-3 of 3 August 2005	(i) Accession to CEDAW if Convention is subject to the provisions of the Constitution (p. 8); (ii) the Constitution does not contain a definition of discrimination against women, but affirms principles of equal rights and treatment for all citizens/persons (art. 25 (2)) (p. 12); (iii) no law specifically prohibits discrimination against women and no specific legal sanctions for discriminating against women exist (p. 22); (iv) Offences of Zina (Enforcement of Hudood) Ordinance viewed by some groups as discriminatory against women		(i) Art. 23 of the Constitution guarantees any citizen's right to property subject to reasonable restrictions imposed by law in the public interest (p. 97); (ii) Islamic Law also grants women the same rights as men to own, acquire, manage and dispose of property (p. 116); (iii) the Married Women's Property Act (1874) grants married women the right to separate property and to litigate in their own name
Philippines CEDAW/C/PHI/5-6 of 2 August 2004	Art. II, §14 of the 1987 Constitution affirms gender equality and acknowledges women's contribution to nation-building (p. 44)	(i) The Comprehensive Agrarian Reform Program (CARP) guarantees rights to ownership and produce of land, as well as representation on decision-making bodies (p. 138); (ii) the Agrarian Reform Department grant housewives equal rights to land ownership in accordance with provisions of the Family Code and the Civil Code on property relations involving legally married and common-law spouses (p. 146)	

Inheritance / Succession	Legal Capacity	Obstacles
<p>The government acknowledges that denial of inheritance rights to land contributes to subordinate status of women and is committed to legislative reform (p. 11); Andhra Pradesh, Karnataka and Tamil Nadu amend provisions in the Hindu Succession Act regarding co-parcenary property, giving equal rights to ancestral property (pp. 12 and 92)</p>	<p>(i) Equality before the Courts and in civil and contract matters (p. 92)</p>	<p>Patriarchal values and traditional gender role expectations undermine social status and impede rights to property and socio-economic activities (pp. 84 and 53)</p>
	<p>(i) The Civil Code grants the equal legal capacity to adult persons; marriage grants equal rights to each partner in terms of contracts (p. 55).</p>	<p>Equality is severely hindered by patriarchal traditions which limit bargaining power and inhibit formation of independent businesses</p>
<p>No change since 2004</p>	<p>No change since 2004</p>	<p>No change since 2004</p>
	<p>(i) Equal access to and exercise of legal capacity (p. 116); (ii) Equal rights to enter into contracts in all civil matters except for a distinction to a legal contract under the Qanun-e-Shahadat (law of evidence) which requires one male witness; (iii) Equal access to sue or be sued (p. 116)</p>	<p>(i) Difficulties in accessing credits and loans; (ii) enhanced gender sensitivity of all organs of the State, including the judiciary, needed (p. 14); (iii) a cross-sectional lack of awareness and entrenched societal attitudes relating to women and their rights (p. 20); (iv) actions, which have no religious sanction, are sometimes justified on the basis of tenets of Islam (p. 20); (v) domestic affairs, including violence, are considered private and, if reported, are not treated with appropriate seriousness by authorities</p>
	<p>RA 7192, the Women in Nation Building Act (1992) grants all women of legal age the capacity to act and enter into contracts (p. 142).</p>	<p>(i) The absence of a legal definition of discrimination against women and persistent gender stereotypes affects access to land and other resources (p. 137); (ii) inequality in legal capacity within marriage and the family affect rights in relation to contracts, land ownership and property administration (p. 143)</p>

## Latin America

	Equality Enshrined in the Constitution	Equal Access to Land	Right to Property
<p>Bolivia CEDAW/C/BOL/2-4 of 27 March 2006</p>	<p>(i) The Constitution (1994) declares legal equality between persons, without distinction as to race, sex, language, religion or opinion (p. 15); (ii) human rights are protected by the Ombudsman (p. 4); (iii) laws in the Penal Code, the General Labour Act, and the Pension Act discriminate against women (p. 7)</p>	<p>(i) Law on the National Institute of Land Reform, INRA (1996), establishes, as a constitutional guarantee, the application of equity-based criteria in the distribution, administration, ownership and utilization of land, in order to benefit women (art. 146) (pp. 16 and 66)</p>	
<p>Chile CEDAW/C/CHI/4 of 17 May 2004</p>	<p>(i) Art. 1 of the Constitution entitles everyone to the right to equal opportunity; (ii) art. 19 establishes that "women and men are equal before the law" (p. 12); (iii) art. 55 of Civil Code and art. 2 of the Labour Code expressly prohibit any form of discrimination on the basis of sex; (iv) CEDAW is the law of the State under the second paragraph of art. 5 of the Constitution</p>		<p>(i) Women married under the joint spousal ownership regime do not have equal capacity to acquire, administer and dispose of joint property; the husband is the head of the conjugal partnership and administers both the joint estate and the wife's property; (ii) in response to the CEDAW Committee's observation of these gender inequities, a draft bill is under review to establish a new property to replace joint spousal ownership (p. 20)</p>
<p>Colombia CEDAW/C/COL/5-6 of 11 April 2005</p>	<p>(i) The 1991 Constitution recognizes gender equality in both public and the private spheres of national life; (ii) core human rights provisions and the provisions of international humanitarian law form part of the body of overarching constitutional norms (p. 12)</p>	<p>(i) Provisions of Act 731 (2002) benefit rural women, such as the creation of the Development Fund for Rural Women (FOMMUR); (ii) Decree 2998 (2003) establishes regulations governing the granting of title-deeds to properties for persons who have been abandoned by their spouse or partner and provides for equitable participation in procedures pertaining to the assignment and use of land (p. 8)</p>	<p>Act 28 (1932) revoked the supreme authority of the husband and granted a married woman the same civil capacity as an unmarried woman, thus realizing equality with men in terms of the acquisition, administration and disposition of property (p. 91)</p>
<p>Ecuador CEDAW/C/ECU/7 of 2 March 2007</p>	<p>(i) The Constitution establishes the principle of gender equality before the law (p. 62); (ii) art. 37 of the Constitution protects marriage, maternity and family property, and supports women heads of household</p>	<p>(i) The Agricultural Development Act (1994) promotes training for farmers and organizations, activates the land market, guarantees land ownership, and streamlines administration in the National Agrarian Development Institute for formalizing rural land ownership; (ii) the Development Project for Indigenous and Black Peoples of Ecuador addresses the issue of private investment in rural areas through a Solidarity Fund programme (p. 61)</p>	<p>The 1989 reform of the Civil Code established the principle of gender equality, although a presumption in favour of the husband as the administrator of the couple's joint property is assumed unless explicitly contradicted at the time of marriage (p. 63).</p>
<p>Guatemala CEDAW/C/GUA/7 of 7 January 2008</p>	<p>(i) Art. 4 of the Constitution recognizes equal rights, opportunities and responsibilities regardless of civil status (p. 24); (ii) art. 46 stipulates that, in human rights matters, treaties and conventions take precedence over the Constitution</p>	<p>(i) The Framework Environmental Management Policy (2004) guarantees equal access to opportunity and considers full participation by women essential (p. 17); (ii) the Rural Development Policy (2006) recruits gender experts to advise and support participation at the community level; (iii) the Land Trust Fund's gender equity policy promotes equal opportunities to access, use and occupy land and facilitates ownership and/or joint ownership of land by peasants</p>	

Inheritance / Succession	Legal Capacity	Obstacles
	<p>The Constitution (1994) grants every human being juridical personality and capacity (pp. 22 and 65)</p>	<p>(i) Patriarchal gender stereotypes and historical discrimination; (ii) inequitable assignment of responsibility and roles and low participation in major decisions concerning the home (p. 73); (iii) lack of awareness of international and national legislation; (iv) indigenous, native and peasant women hindered in participation and exercise of rights as citizens owing to lack of basic documentation (p.3)</p>
<p>(i) No inheritance restrictions on rights to execute or administer inheritance; (ii) Law No. 19,585 (1998) amended the Civil Code in filiation to confer equal status on all children (categorized as legitimate, born out of wedlock and illegitimate) by providing for the free establishment of paternity, improving the inheritance rights of the surviving spouse, and extending paternal authority (patria potestad) to the mother (p. 19)</p>	<p>(i) With the exception of marriages entered into under the regime of joint ownership, legal capacity of women and men is equal; (ii) a Draft Law amending the Civil Code and establishing a new property ownership regime to replace joint spousal ownership is under review (p. 20)</p>	<p>Persistence of discriminatory rules in the legal system and biased interpretation of neutral laws hinder the full realization of gender equality (p. 12)</p>
	<p>(i) Married women of legal age may appear freely in court; (ii) no husband's authorization or permission from a judge required to administer and dispose of their property; (iii) husbands shall not be their legal representatives (p.90)</p>	
<p>Women may be executors of a will or administrators of any inheritance</p>	<p>Legal guarantee to administer their own property, conclude contracts and engage in work, trade and industry, represent themselves or other natural or juridical persons on civil matters, and exercise their professions freely (p. 62).</p>	<p>Challenges to economic independence because of limited land ownership (p. 8)</p>
	<p>As established in art. 4 of the Constitution, legislation enshrines legal equality in civil matters and matters of legal capacity (p. 162)</p>	<p>(i) Patriarchal structures (p. 14) and a cultural mindset that maintains gender inequities (p. 13); (ii) a State unable to safeguard people's rights and people's lack of awareness of their rights (p. 14); (iii) rural women's lack of legal existence in terms of citizenship rights, property, and access to credit due to lack of documentation; (iv) gender-biased interpretation of current laws (p. 24)</p>

## ▶▶ Latin America

	Equality Enshrined in the Constitution	Equal Access to Land	Right to Property
Honduras CEDAW/C/HON/6 of 1 August 2006	Art. 60 of the Constitution guarantees equal rights to all Hondurans and the punishment of all forms of discrimination, including that based on sex (p. 11)	(i) Art. 79 of the Agricultural Sector Modernization and Development Law, promotes access to land, but there are civil limitations (p. 58); (ii) the Policy for Gender Equity in Agriculture and the State Policy for the Agri-Food Sector and Rural Life guarantees access to productive resources, but only a small percentage of land is held in the name of women (p. 58)	
Nicaragua CEDAW/C/NIC/6 of 5 July 2005	(i) The Constitution prohibits discrimination on the basis of sex, recognizes gender equality, and guarantees that all individuals are equal before the law and enjoy the right to equal protection; (ii) the constitution recognizes the State's obligation to eliminate de facto obstacles to equality and provides that family relations shall be based on respect, solidarity and absolute equality of rights and responsibilities (p. 12)		
Peru CEDAW/C/PER/6 of 3 February 2004	(i) Art. 2 of the Constitution establishes the principle of equality before the law, and prohibits any type of gender discrimination (p. 20); (ii) Treaties, such as CEDAW, which are signed by the State and in force are part of the national law	The Agriculture Ministry's Special Land Titling Project (PETT) provides legal security and assists with access to credit to facilitate female ownership of rural properties (p. 42); (ii) The titling process respects equality of rights for all citizens in accordance with the 1993 Political Constitution of Peru (p. 85)	The Political Constitution of Peru and the Civil Code establish equal rights with respect to the ownership and enjoyment of property (p. 93)
Venezuela CEDAW/C/VEN/4-6 of 28 July 2004	The Constitution (1999) establishes equality of rights for all citizens and uses non-sexist language (art. 88) (p. 5)	(i) Art. 14 of the Land and Development Act (2001) prioritizes allocation of land to female heads of household who work the land (p. 7); (ii) art. 17 guarantees the right to material advancement and equal opportunities to all rural men and women (p. 44)	(i) Art. 115 of the Constitution guarantees the right of property to all (p. 46); (ii) joint administration and disposal of property by mutual agreement for property held jointly in marriage (p. 46)

## Europe

Albania CEDAW/C/ALB/1-2 of 23 May 2002	No change since 2004	No change since 2004	No change since 2004
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Inheritance / Succession

Legal Capacity

Obstacles

No implementing act on family property exists to fully apply the constitutional provision which guarantees the right to inherit family property, which is immune from seizure and free of any public tax (p. 49)

Equal legal capacity under the Civil Code (1904) which allows for administration of contracts and property, and access to courts of justice without the need for representation by a lawyer, to assert rights (p. 47)

(i) The absence of a public policy establishing mechanisms to boost access to credit; (ii) lack of awareness on specific laws on the protection of Afro-descendent and indigenous women with respect to their languages; (iii) lack of specific protective measures concerning the recognition of land and territorial rights

The Civil Code establishes gender equality in civil law (p. 92)

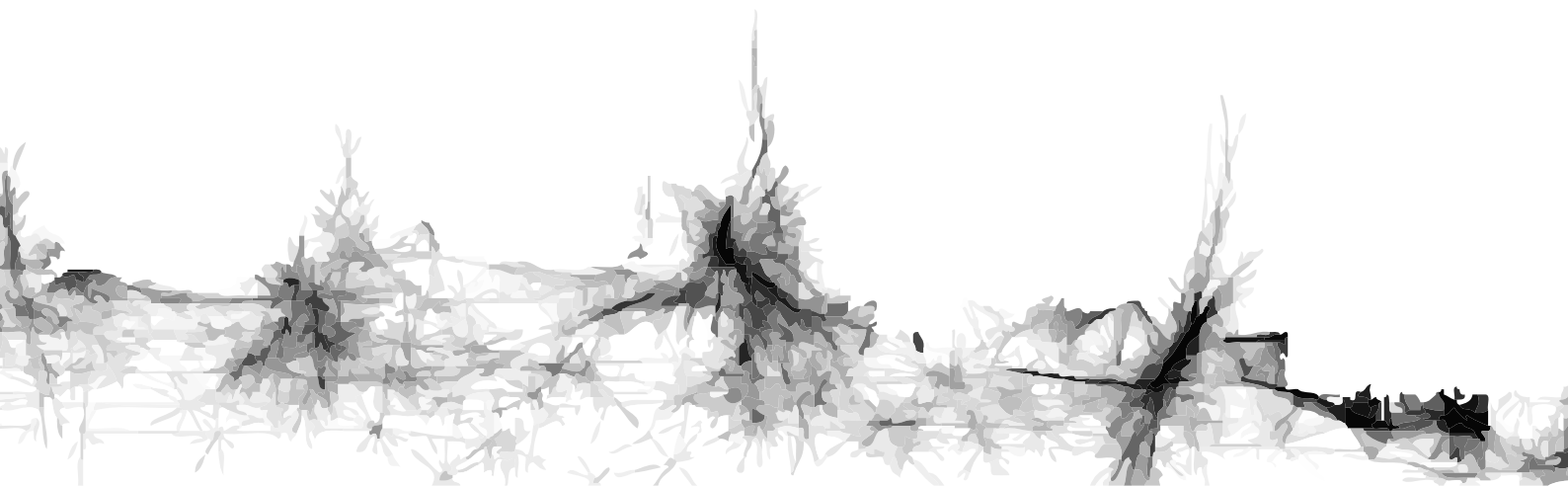
Art. 112 of the Constitution and art. 16 of the Commercial Code grant women the right to administer contracts and property, and access to and participation in courts and legal professions (p. 46)

Cultural traditions and poverty discriminate against, marginalize and inhibit full participation of rural women in society

No change since 2004

No change since 2004

No change since 2004



### **Our Mission**

A global alliance of civil society and intergovernmental organisations working together to promote secure and equitable access to and control over land for poor women and men through advocacy, dialogue, knowledge-sharing and capacity-building.

### **Our Vision**

Secure and equitable access to and control over land reduces poverty and contributes to identity, dignity, and inclusion.

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This report is part of a wider initiative on Women's Land Rights (WLR). If you would like further information on the initiative and on the collaborating partners, please feel free to contact the International Land Coalition.