

DRAFT



WOMEN'S LAND RIGHTS

ADDRESSING THE IMPORTANCE OF WOMEN'S LAND RIGHTS



Ethiopian Women Lawyers' Association

STAND FOR HER LAND
HER RIGHTS. HER LAND. A BETTER FUTURE FOR ALL.



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ABBREVIATION/ACRONYMS

EWLA	Ethiopian Women Lawyers' Association
FDRE	Federal Democratic Republic of Ethiopia
GBV	Gender Based Violence
HFHE	Habitat for Humanity Ethiopia
HFHI	Habitat for Humanity International
S4HL	Stand for Her Land
WASH	Water, Sanitation and Hygiene
WLR	Women's Land Right





1. Organization and project profile

1.1. Ethiopian Women Lawyers' Association (EWLA)

Ethiopian Women Lawyers Association was established at the Federal level in 1995 by Women lawyers and re-registered as a Local Organization in accordance with the Civil Society Organization. It has been working for more than 25 years to promote women's social, economic, political, and legal rights to help women exercise their constitutional and other rights.

The aim of the association is to promote equal participation of women in all sectors and to prevent sexual violence against women and create a safe environment for women through its three programs: Legal Research and Advocacy, Public Education and Capacity Building, and Free Legal Aid service.

The Association is headquartered in Addis Ababa and has opened its regional offices in seven regions and one city administration namely Adama, Hawassa, Bahir Dar, Gambella, Asosa, Jigjiiga, Semera regions, and the city administration of Dire Dawa. In order to make the service accessible to all, the association is working to continue its service in the zones and woredas under its regional and city administration branches and has so far established 55 volunteer committee centers across the country. Besides, it has established a hotline service (7711) which operates in 3 local languages: Amharic, Afan Oromo, and Tigrigna.



Habitat for Humanity Ethiopia

Habitat for Humanity Ethiopia /HFHE/ is branch of Habitat for Humanity international /HFHI/, a leading global non- profit housing organization working in more than 70 countries currently-operating under Africa Habitat for Humanity international. Since it started operation 1993 habitat for humanity Ethiopian has supported more than 165, 00 families (826, 396 individuals). Initially focused on mortgage houses for families affected by poverty and other vulnerabilities, the organization has expanded its efforts to incorporate vulnerable group housing, urban slump grading, urban resilience building, water sanitation and hygiene and WASH Resilience building.

Additionally, HFHE works to improve families and communities and organization to improve the lives off a miles by removing the barriers that keep them away from a decent and healthy place to call home. HFHE, in collaboration with partners, is implementing Stand for Her Land Project to promote women land and property rights.





1.2. Stand for Her Land (S4HL)

About 2.5 billion people worldwide depend directly or partially on land for home, livelihoods, food and identity; and 1 billion living in informal settlements. Half of them are women and girls. Grassroots women across the rural-to-urban continuum have led the WLR movement for decades, but their efforts have been under-resourced and under-recognized.

S4HL's vision is to close the "Implementation Gap" in relation to women's rights to land, housing, property and natural resources (WLR), which are fundamental human rights. This is established in standards internationally, regionally, and nationally, but not realized in practice due to patriarchal social norms and lack of implementation.

Habitat for Humanity Ethiopian launched S4HL campaign in November 2022. Following the launch of the campaign Country Coalition was formed in January 2023, in Addis Ababa with the participation of governments and non-governmental partners.

The S4HL project is expected to achieve the following three country level objectives:

- Catalyze a sustained, locally driven movement for Women Land Rights (WLR).
- Increase knowledge and resources for a diverse group of stakeholders to realize WLR.
- Engage communities in realizing WLR.



S4HL's Mechanism centers on the leadership and voices of grassroots women. The project prioritizes and elevates grassroots women's essential leadership and voices. S4HL calls on governments to fulfill its obligations to ensure WLR.

HFHE and Landesa prefer outsourcing of some selected project activities to the Country Coalition Members of the S4HL project. This outsourcing or sub-granting of selected project activities will be done in a transparent process of engaging country coalition members based on their competencies in advancing women's land rights agenda. The implication of this move is to strengthen the capacities of country coalition members in advancing women's land rights issues in Ethiopia across four major regions: pastoral, small-holder farming, urban and large-scale agricultural investment communities.



“ Women's Land Rights



The S4HL Year-3 project plan outlines the engagement of grassroots women as a key component that will ideally be implemented through sub-granting to coalition members. Sub-granting to coalition members is vital for the advancement of grassroots women's land rights. By providing sub-grants to coalition members, resources can directly be distributed to local organizations and communities that are actively working on the ground to secure land rights for women.

Introduction to Land: An Overview

Land is the most critical resource in Ethiopia with economic, social, and political implications. Land rights are a key human rights issues. Land rights are foundational to human rights because they directly impact access to food, housing, and opportunities for development. Securing land rights is not only a matter of legal entitlement but is also crucial for ensuring dignity, economic stability, and sustainable development for individuals and communities. The majority of the rural population is dependent on land and natural resources, but not everyone has equal access to land and secured land use rights. Women have limited access to land and security over their land. The population of Ethiopia stood at 128.1 million in January 2024. About 49.8 percent of Ethiopia's population is female {Digital 2024: Ethiopia}. Although the number of women is almost equal to men, women are not able to benefit from their land due to social norms, discriminatory rules and practices, and weak law enforcement.

Land rights affect economic, social, and political spheres in the world. Despite comprising almost half of the population, women have limited access and security to their land. Addressing women's land rights is crucial for economic, social, and legal reasons. It empowers women economically, reduces vulnerability to poverty, and promotes economic development. Challenges related to women land right include legal, cultural, social, and economic factors. These challenges can be mitigated through advocating for legal reforms, raising awareness, providing training, improving access to justice, strengthening partnerships, collecting gender-disaggregated data, and challenging harmful social norms.





Perspectives on why addressing women's land rights is crucial and its implication

- 1. Economic Significance:** Women without land rights face significant challenges in supporting their families and securing their financial future. Granting land rights to women could alleviate their dependence on partners, especially for those facing domestic violence, and provide them with the means to live and work independently. Moreover, equal property rights would enhance women's decision-making power regarding land use. By ensuring women have access to land, education, and financial independence, we can foster greater stability and autonomy for them, which in turn benefits the entire community.
- 2. Social implications;** Securing land rights for women advances gender equality by challenging traditional norms and providing women with a more equitable societal status. It empowers women by acknowledging their role as equal stakeholders in land ownership and management. Women with independent land rights are less dependent on abusive partners for their livelihoods, which can diminish their vulnerability to domestic violence and offer them greater autonomy to escape harmful situations. Accessing land can enhance women's social status within their communities, often leading to increased respect and recognition, and can help shift societal attitudes towards women and their roles. Ensuring women's land rights can also drive cultural and legal reforms, setting new standards for gender equality and challenging discriminatory practices, thereby fostering a more inclusive and just society.
- 3. Essential for Advancing Women's Land Rights and Addressing Implementation Challenges:** Legal and policy reforms are essential for advancing women's land rights, as they establish a formal framework recognizing women's rights to own, inherit, and manage land, thus shifting societal attitudes and securing their tenure against arbitrary dispossession.

These reforms enhance women's economic empowerment by granting them access to resources, credit, and opportunities for investment, fostering broader economic growth. They also provide mechanisms for legal recourse, ensuring women can address grievances and disputes effectively. Additionally, such reforms promote gender equality by challenging discriminatory cultural norms and encouraging women to invest in land development. Beyond this, improved land rights intersect with other rights, such as housing and security, thereby positively impacting multiple facets of women's lives and contributing to overall social and economic

4. Human Rights Considerations: Land rights are integral to women's human rights, and while there may be limited international frameworks explicitly recognizing these rights, securing them is essential for upholding women's dignity, autonomy, and well-being. Acknowledging women's land rights as fundamental human rights, e.g., women's equal rights to land and property are grounded in the core human rights instruments such as the Universal Declaration on Human Rights, the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), and the Convention for the Elimination of All Forms of Discrimination against Women.

This brings significant benefits: it affirms their dignity and autonomy by granting control over vital resources, which enhances their decision-making power within families and communities. Legal protection is strengthened by providing a basis for recourse in cases of rights violations, contributing to improved health and well-being through better living conditions and resource access. Ultimately, secure land rights empower women to contribute significantly to community development and social cohesion, resulting in stronger and more resilient communities.



2. Legal Standards for Women's Land Rights in Ethiopia

Ethiopian government has broadly defined the foundation for land rights through the constitution and related international and regional instruments. Women's land rights are safeguarded by the FDRE Constitution, which includes provisions for property rights, promotes economic goals, supports equal participation, and is reinforced by subsequent laws.

- The new Proclamation 1324/2016 on Rural Land Use and Management focuses on protecting and developing natural resources sustainably for future generations. It also aims to ensure the rights of women, youth, disabled individuals, and those needing support, by establishing an inclusive system that guarantees equal access to these vital resources for women.
- Under Federal family law, any property that is owned by a spouse on the day of marriage shall remain his/her personal property. In other words, any property owned by a spouse prior to marriage (if s/he is already the owner of such property on the day of the marriage) will be her/his own property even after the conclusion of the marriage. This provision also enshrines that if one of the spouses acquires property by way of donation or succession (acquisition by not onerous title) during the marriage, such property shall belong to the spouse to whom the donation was made even if the property is acquired after the celebration of the marriage.
- Under the Ethiopian Criminal Code concerning Disturbance of Possession: Anyone who unlawfully, with the intent to gain a profit or benefit, either:
 - a) Invades or occupies land or buildings belonging to another person, or

b) Interferes in any other way with the peaceful possession of another person, is subject to punishment, upon complaint, with a fine or simple imprisonment. If the disturbance involves violence, threats, the involvement of a large number of people, or is committed by a person in a position of authority, the penalties are more severe.

Regional proclamations

- **Amhara National Regional State** rural land management Proclamation 252/2009, designs and implements a system that prioritizes women in the distribution of rural land. Additionally, it ensures that women who are involved in or wish to engage in agricultural activities but lack sufficient land or face scarcity are granted priority rights in acquiring land.
- **Oromia National Regional State** rural land and use administration Proclamation No. 248/2015 ensures gender equality, guarantees access to land without bias or cost, protects land use rights despite changes in residence and addresses the land holding and use rights of both spouses
- Under **Tigray National Regional State's** Rural Land Usage Proclamation Number 23/1997, women have equal rights to land as men.
- Proclamation No. 152/2010, which addresses Rural Land Administration and Utilization in the **Benishangul-Gumuz Regional State**, stipulates that references to the male gender shall also apply to the female gender and vice versa.
- Proclamation No. 201/2013, concerning Rural Land Management and Use issued by the **Gambella People's National Regional Government**, specifies that all rights granted to the masculine gender also apply to the feminine gender.



- **Afar National Regional State** Rural Land Administration and use proclamation no. 49/2009 affirms that land ownership and user rights for women are crucial for boosting productivity and social development. All provisions of this proclamation referring to the masculine gender shall also apply equally to the feminine gender. This includes ensuring that women pastoralists have the same rights as men to access and use grazing lands.
- The **Somali National Regional State** is currently undergoing an Amendment process on land proclamation (in 2024); so EWLA is unable to provide the proclamation number.



3. CHALLENGES

Securing land rights for women in Ethiopia faces several challenges, stemming from a combination of legal, cultural, social and economic factors. Here are some key challenges:

3.1 Customary and Statutory Law Disparities: Ethiopia operates under a dual legal system where formal statutory laws coexist with customary laws that often discriminate against women. Customary practices, which are deeply ingrained in many communities, may prioritize male inheritance rights or restrict women's access to land ownership. They are also deprived of their right in the decision making, administration, control and dispose the fruits from the land.

3.2 Limited Awareness and Legal Literacy: Many women, particularly in rural areas, lack awareness of their legal rights regarding land ownership and use. This lack of awareness, combined with low levels of legal literacy, prevents women from asserting their rights or navigating legal processes effectively.

3.3 Inadequate Implementation and Enforcement: Despite legal reforms aimed at protecting women's land rights, implementation remains weak. Government institutions responsible for land administration and dispute resolution often lack the resources, capacity, and commitment to enforce laws effectively, especially in remote areas.

3.4 Patriarchal Social Norms: Traditional gender roles and patriarchal norms influence perceptions of women's roles in a given society, including their rights to own and control land. These norms may limit women's decision-making power within households and communities, impacting their ability to assert land rights.

3.5 Land Disputes and Conflict: Land disputes are common in Ethiopia, often exacerbated by unclear land tenure systems, competing claims, and rapid urbanization. Women, particularly widows and female-headed households are vulnerable to land grabbing, eviction, and displacement in such contexts.

3.6 Access to Resources and Credit: Limited access to financial resources and credit further impedes women's ability to purchase or invest in land. Women may face challenges in accessing loans or financial services due to discriminatory practices or lack of collateral.

3.7 Political Will and Institutional Support: While there have been efforts to address gender disparities in land rights through policy reforms, sustained political will and institutional support are crucial for the effective implementation and monitoring of these reforms.

4. RECOMMENDATIONS



Recommendations to address challenges in securing land rights for women

- Advocate for legal reforms that explicitly guarantee women's land rights, including equal ownership, inheritance rights, and protection against discriminatory customary laws.
- Conduct awareness-raising campaigns and educational programs to inform women about their land rights, legal protections, and avenues for seeking redress in case of violations.
- Provide training and capacity-building programs for women on land management, negotiation skills, and financial literacy to empower them to assert their land rights effectively.
- Improve access to justice mechanisms by establishing legal aid services, mobile courts, and community-based dispute resolution mechanisms that are accessible and responsive to women's land rights issues.
- Strengthen partnerships between government agencies, civil society organizations, and international bodies to advocate for policy reforms and monitor the implementation of laws protecting women's land rights.
- Conduct gender-disaggregated data collection and research to understand the specific challenges women face in accessing and owning land, which can inform evidence-based policy-making and interventions.
- Promote economic opportunities for women through microfinance, cooperative farming initiatives, and skills development programs that are linked to secure land tenure.
- Challenge harmful social norms and promote cultural change through community dialogues, media campaigns, and initiatives that promote gender equality and women's empowerment.

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