

REALIZING WOMEN'S RIGHTS TO LAND AND OTHER PRODUCTIVE RESOURCES

SECOND EDITION



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The first edition was based on the contributions to and the results of an expert group meeting convened in Geneva, Switzerland, in June 2012 on good practices in realizing women's rights to land and other productive resources. In addition to individual experts, participants included United Nations entities, intergovernmental bodies and other organizations. UN Women and OHCHR acknowledge with appreciation the work of these participants during the expert group meeting and recognize their contributions to the first edition of this publication.

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* In compliance with internal policy, OHCHR does not attribute authorship of its publications to individuals.

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EXECUTIVE SUMMARY

Women's rights to land and other productive resources are essential for realizing their rights to equality and to an adequate standard of living, among many other rights. Women's secure access to land and resources supports their independence and autonomy, provides for their day-to-day needs and those of their families and allows them to weather some of life's most difficult challenges. Realizing women's land rights is an integral part of the gender-responsive implementation of the 2030 Agenda for Sustainable Development.

And yet, prevailing gender inequalities, combined with the amplified effect of multiple and intersecting forms of discrimination, undermine women's exercise of their rights to land and other productive resources. Patriarchal gender relations also exclude those facing discrimination based on their sexual orientation, gender identity and gender expression, such as lesbian, gay, bisexual, transgender and intersex (LGBTI) people. Certain global trends – such as commodification and financialization of land, climate change, biodiversity loss, land degradation and urbanization – are exacerbating pressure on land and the natural resources, housing and livestock attached to it. **Chapter 1. Global context and trends: Why focus on women and land?** illustrates the current global context surrounding women's rights to land and productive resources.

At the same time, normative and policy frameworks to protect and promote women's rights to land have developed at national, regional and global levels. Evolving guidance and jurisprudence have articulated the application of human rights standards in the context of women's entitlements to own, use, access, control, transfer, inherit and otherwise take decisions about land and related resources. New international instruments have been adopted and applied. The 2030 Agenda, adopted by the United Nations General Assembly in 2015, is grounded in the Universal Declaration of Human Rights and informed by international

human rights standards. The efforts being made to attain the Sustainable Development Goals provide excellent opportunities to promote the rights to land and other productive resources of women and girls and others who are at risk of being left behind because of the multiple and intersecting forms of discrimination they face. These include indigenous, peasant and rural women, women affected by HIV, displaced women and women in informal settlements. **Chapter 2. Global framework: What are the standards that protect women's land rights?** provides an overview of the relevant normative, legal and policy frameworks at international and regional levels.

Chapter 3. How can we protect women's rights to land? summarizes key principles of a gender-responsive and human rights-based approach to land, namely the principles of universality and inalienability, indivisibility, interdependence and interrelatedness, equality and non-discrimination, participation and inclusion, impact assessment and due diligence, accountability and rule of law, transparency, empowerment, sustainability and international cooperation. The chapter also considers how the 2030 Agenda resonates with these principles.

Chapter 4. Promising practices: Practical steps to secure women's rights to land and other productive resources presents recommendations for realizing

women's rights to land based on promising practices and lessons learned from around the world in various contexts, including:

- Ensuring women's land rights in formal laws
- Legal systems and access to justice
- Marriage and family
- Security of tenure and prohibition of forced evictions
- Governance, institutions, policies and programmes
- Promoting women's voice, agency and participation
- Women facing multiple and intersecting forms of discrimination

Each of these sections is further divided into relevant themes, all of which contain recommendations for realizing women's land rights supplemented by commentaries that include examples of promising practices. Case studies with more

detailed analysis from 10 countries in different contexts complement the discussion.

In this publication, the term "land" encompasses farmland, wetland, pasture, rangeland and forests, as well as harvesting, hunting and fishing territories. It also includes land used for human settlement. Likewise, the phrase "women's rights to land"¹ should be understood as the ability of women to own, use, access, control, transfer, inherit and otherwise take decisions about land and related resources, as well as women's rights to secure land tenure (including community, customary, collective, joint and individual tenure). These also encompass rights to meaningfully participate in discussions and decision-making on land laws, policies and programmes throughout the cycles of assessment and analysis, planning and design, budgeting and financing, implementation, and monitoring and evaluation.

¹ See Box 1.

INTRODUCTION

This is the second edition of *Realizing Women's Rights to Land and Other Productive Resources*, a joint publication of UN Women and the Office of the United Nations High Commissioner on Human Rights (OHCHR). The purpose of this updated edition is to provide guidance for lawmakers and policymakers, as well as civil society organizations and other stakeholders, to support the adoption and effective implementation of laws, policies and programmes to respect, protect and fulfil women's rights to land and other productive resources, with information updated through mid-2019. In particular, the second edition clarifies how women's rights to land and other productive resources are relevant to the achievement of the 2030 Agenda for Sustainable Development, adopted by the United Nations General Assembly in 2015.² The 2030 Agenda is grounded in the Universal Declaration of Human Rights and international human rights standards deriving from the Declaration and other international human rights treaties. The efforts to attain the Sustainable Development Goals (SDGs) provide important opportunities to advance women's rights to land and other productive resources.

In this publication, land is understood to include farmland, wetland, pasture, rangeland and forests, as well as harvesting, hunting and fishing territories. It also includes land used for human settlement. Throughout this publication the phrase "women's rights to land" should be understood holistically and in a manner that is grounded in the international human rights framework. These rights entail the ability of women to own, use, access, control, transfer, inherit and otherwise take decisions about land and related resources,

amplified effect of multiple and intersecting forms of discrimination.

While this publication focuses on women's rights to land, these rights cannot be separated from women's access to, use of and control over other productive resources such as housing, natural resources and livestock attached to the land. Therefore, the publication employs the phrase "women's rights to land and other productive resources" to reflect this broader context.

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