

# URBAN SHELTER WOMEN'S PROPERTY RIGHTS



Mirdourgas Kubils/Topham Picturepoint/UNEP

## Women's property rights in selected African countries

Comparatively few African countries have legislation in place to assure women's access to land and property. Those that do include: Burkina Faso, Malawi, Mozambique, Niger, Rwanda, South Africa, Tanzania, Uganda and Zimbabwe. Eritrea and Ethiopia lack specific laws, but there are no impediments for women to own land. In Kenya, women have limited access to land. Botswana and Namibia are currently amending the relevant laws. Now that there is growing consensus that the right to acquire and inherit property is a basic human right - applicable equally to men and women - the next step is to identify formal and informal tenure arrangements so that solutions can be tailored to different local social, political and economic circumstances. In some countries, affirmation of co-ownership of land has led to the acceptance of women's equal rights to property, whilst joint-ownership of property is accepted for legally married couples in others. Elsewhere other consensual unions not necessarily formalized by marriage are becoming accepted as embodying property rights. Thus there is a social movement leading to change, as well as a wider acceptability of equality in social relations.

## Inequity and inequality

One of the major global challenges of the new millennium is growing urban poverty among women. Worldwide, there is a high correlation between women's lack of control over resources, their poverty, and lack of full citizenship. Unequal patterns of ownership between men and women contribute substantially to this condition. Lack of rights to tenure or ownership renders many women unable to protect themselves, and prevents access to credit through lack of collateral, thus reinforcing the control that men traditionally have over the household and its dependants.

It is estimated that some 25 percent of the world's households have women as their heads, and in urban areas, especially in Latin America and Africa, the numbers sometimes exceed fifty percent. Households with a woman head typically represent a high proportion of those in informal settlements worldwide and they are among the poorest.

## Legal and social obstacles

Formal law, traditional legal systems and societal norms, including customary and religious laws, often deny women the right to acquire and inherit property, particularly in countries where Shariah Law applies. Patriarchal customs governing inheritance are found in many traditional societies, where

## Inequity and change worldwide

A customary law from the 15<sup>th</sup> century gave men in the Albanian Highlands exclusive right to property. A legal amendment during the 1970s changed that situation, but women exerting their rights still risk social exclusion for contravening cultural norms. In India, the Hindu Succession Act of 1956 denies widows the right of inheritance of property, but a debate is now in progress on changes to this legislation. Similarly, establishing women's equal rights to inherit property is part of grassroots campaigning by women in Guatemala. In March 2000, the Rwandan National Assembly passed the Matrimonial Regimes, Liberties and Succession Act, empowering women and girls to inherit and own property



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### Existence of Impediments to Women's Tenure rights, as reported by Countries

Region	Owning land	Inheriting land and housing	Taking mortgages in their own name
Africa	41%	70%	31%
Arab States	29%	29%	21%
Asia-Pacific	24%	24%	24%
Highly industrialized countries	11%	0%	0%
Latin America & Caribbean	24%	11%	34%
Transition countries	9%	6%	9%
World	24%	26%	24%

property typically reverts to the husband's family in the event of his death, or to the husband in the event of divorce. In recent years, particularly since the Habitat II Conference, some countries in the developing world have passed laws explicitly recognizing women's land rights, and there is now a growing acceptance of such rights among the world's more traditional societies. However, no lasting social progress can be expected, even in countries where legislation has been enacted, unless social and cultural attitudes – amongst both men and women – are also transformed. This process can be slow: the passage of the Married Women's Property Act of 1882 in the United Kingdom (which recognized husband and wives as two separate legal entities) took more than 27 years of campaigning to achieve.

## The credit obstacle

Even in cases where women's property rights have been legally guaranteed, there often remain difficulties in access to credit. Conventional lending institutions require proof of adequate and dependable income as well as property ownership, precluding many women from obtaining loans. When housing is treated as a market commodity, the ability to pay rent or purchase determines housing security. To deal with these situations, innovative schemes to raise money and access credit have been successfully developed by women's grassroots organizations, principally through the economic empowerment of women for business activities – yet they could also be replicated for credit to acquire property.



In the developed countries, the rising cost of living has led to the increase of two-wage-earner households, impacting positively on women who are now entering the labour market in growing numbers, and increasingly performing specialized functions traditionally performed by men. In addition, as women's disposable incomes have increased, they have been able to purchase property and land, a process assisted by national legislation guaranteeing equality of ownership and inheritance of property, particularly in Scandinavian countries such as Sweden and Denmark.

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### Union de Vecinos - USA

Women from two of the poorest neighbourhoods responded to threats from the City of Los Angeles to demolish their houses by forming the Union de Vecinos, offering women a place for discussion, encouragement and support in taking control of their lives. Through the Union women have educated each other and become economically and politically empowered. In four years, Union de Vecinos has expanded its activities to four other housing projects, training twelve community organizers and producing a bi-lingual newsletter. While giving a voice to poor women, the Union has enforced the adoption of a moratorium on the demolition of low-income housing in Los Angeles.

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