Women’s Access to Justice: Grassroots Women’s Approach to Securing Land Rights

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What is Justice in the Eyes of Grassroots Women

- Opportunity to develop and grow within societal structures
- Recognition of contribution to community development and progress
- Availability of and equal access to resources
- Equality in the distribution of resources
- Representation and participation in decision making.
Negative Trends in Women’s Lands Rights and Insecurity of Land Tenure

- Asset stripping and land grabbing and accusations of witchcraft
- Traditional Law of inheritance
- Urbanization
- Increasing value and demand for land and natural resources
- Titling and changing societal norms
- Large scale land based Investment- Economic based agriculture.
Laws and Trends Promoting Women’s Security of Land Tenure

- Constitutional Reviews and Reforms - Kenya
- Land Reforms - Ghana, South Africa, Rwanda
- Intestate Succession Law - Ghana
- Village Act – Tanzania
- The Deceased Estate Act - Zambia
- Conventions and Declarations - Non Discrimination
1. Examine overlapping & disjointed legal frameworks
   ✤ **Community Sensitization and Training.**
     o Sharing information about women’s lands rights in both customary and statutory legal frameworks.
     o clarifying how legal reforms and national legislation may impact women’s rights. (NTANKA Village Women Initiative)

2. Increase community awareness of gender injustice
   ✤ **Community mapping**
     o engages community members in a structured way, identifies key stakeholders and their roles
     o Is empowering as it helps women know more about their community, laws and builds community consensus on action points. (Massai Women’s Development Organization)
Approaches

3. Review, analyze & align cultural practices with the constitutions to deal with cultural practices injustices against women.

- **Local-to-local dialogues**
  - Involve talks among grassroots women’s groups, local leaders, and authorities for purposes of negotiating with and influencing local authorities to advance women’s priorities and concerns.
  - This model builds women’s leadership skills and offers space for decision making. (Grassroots Sisterhood Foundation & Seke Rural)

4. Design and implement new community justice mechanism and processes

- **Community justice volunteers (community paralegals and Watchdogs)**
  - Watchdog groups work closely with customary leaders and community elders to influence their decisions on issues affecting women’s disinheretance and dispossession.
  - Community paralegals are justice volunteers trained in basic legal issues and methods of advocacy and can provide support and referrals to women or girls facing land- and property related issues. (GROOTS KENYA & Zimbabwe Parents of Handicapped Children Association)
Approaches

5. Build new partnerships with a variety of stakeholders

Partnerships with key stakeholders

- Partnerships with community resources or influential leaders can be critical in scaling up activities and ultimately changing public opinion related to women’s access to land. (Ray of Hope in Zimbabwe)

All the above strategies empower women as it facilitates the collection, ownership of the process and utilization of information gathered for change.
Methodology: Participatory Action Research—Empowering women as the owners, collectors and users of research.

Over 70 communities representing 7 countries implemented a research to

1. Legal reform does not trickle down to the grassroots.
2. Under the conditions of increased market values of land, women have fared the worst. Overlaps and gaps in the State and traditional laws create loop-holes for gender bias.
3. Multi-stakeholder approach and the importance of traditional leaders and male allies.

4. UBUNTU-- Justice, in the African context, requires restoring relations at the family and community level, rather than at the individual level, which requires a different scale of analysis and ultimately intervention.
Recommendations

1. Grassroots women community practitioners should be considered leaders in their own communities’ development.

2. Governments and development practitioners need to provide grassroots women community practitioners with enabling environments, i.e. (1) technical support; (2) space to convene regular meetings; and (3) partnerships with diverse stakeholders.

3. Governments and development practitioners need to affirm using a gender and culture lens in discussions around women and justice but not import their notions of how gender is constructed and how culture should operate.

4. Women’s empowerment is about shifting power relations between men and women—men therefore should be engaged and incorporated in working towards solutions to ensure sustainability of achievements.

5. Non-African, non-grassroots practitioners and advocates are positioned to push land tenure issues onto national agendas. However, the solutions should be discussed, generated and implemented by grassroots community practitioners who are positioned to understand and work within the realities on the ground.

6. Justice in the African context should be recognized and realized at the scope of the family and community. Solutions that restore individuals should be flagged as incomplete.
Thank you
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