



## THE WOMEN'S LAND RIGHTS CONFERENCE CONCEPT NOTE

### THEME:

### “TRACKING PROGRESS OF THE RIGHT TO LAND IN Uganda 2016-2021 AND IMPLICATIONS TO NATIONAL SOCIAL ECONOMIC TRANSFORMATION”

#### **Background.**

Land is a form of wealth and basic resource for agriculture which is the backbone of Uganda's economy. According to the Uganda Bureau of Statistics: Agricultural Sector, Gender Statistics Profile (UBOS), agriculture employs about 69% of the population, of which over 50% are women (UBOS, 2012). However, there is a gender gap in land ownership, use and control.

Women's land and property rights remain a challenge across the globe. In Africa, it is worsened by the social norms, beliefs and patriarchal attributes of land, legal attachment and recognition of land and property ownership rights. In Uganda, agriculture is the main economic activity that contributes about 26% of the country's GDP and employs approximately 69% of the population, of which 50% are women (Ali, 2015). However, there is an agricultural productivity gap which is estimated to be at 10.3% (UBOS, 2012). Studies show that the gender productivity gap is partly due to gender gaps that exist in accessing and using agricultural inputs especially land (Hill and Vigneri, 2011). Land is a key resource in agricultural production and yet, according to UBOS (2013), women own only 28%. The World Bank Group: Women, Business, and the Law (WB), indicated that women's property rights are constrained by the legal system which is pluralistic in nature (WB, 2018). In addition, several other barriers hinder the full realisation of women's land rights including a) limited awareness of women's rights which impedes implementation of women's statutory rights; b) exclusion or underrepresentation of women in land-related institutions; c) inadequate access to justice for women due to inefficient land dispute resolution mechanisms. The study also indicated that the different sources of law are usually in conflict with each other, creating tensions that hurt women's land rights. Therefore, the removal of these constraints faced by women would work to end the gender gaps in agricultural production and promote women's land rights. Despite Uganda's policy and legal regime relating to access, ownership and control land is adequate,<sup>1</sup> all these have not translated in an increment in women ownership, yet over 70% of women are engaged in Agriculture, less than 20% of them have control over their agricultural output and

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<sup>1</sup> Article 26 of the 1995 Constitution of Uganda, the 1998 Land Act and the EAC countries provide for women's land rights.

nationally only approximately 17% of the women own land mainly through purchase. The efforts have been marred by limited resource allocation, corruption, mismanagement of cases, land case backlog, cultures that are compounded with unequal power relations, among others. Women have remained discriminated against and often denied their land rights both ancestral, before marriage, in marriage and out of marriage. ***“Some cultures still consider women as property to be inherited by men”*** These have often made rural women and girls more inferior, vulnerable, and marginalised in both public and private spheres. This is coupled with ignorance of the law by women on their land/property rights and land governance often exhibited during land acquisition/registration and ownership of land. Often men have sold off land without their spousal consent and in other instances, women act as witnesses in the sale of their land with very minimal information on the implication of their actions to the future of land tenure security.

For women to gain ground in land ownership, access and control, there must be gender transformation towards equality. The transformation that leads to sustainable engagements of women in the land governance process, the transformation that challenges the norms and traditions that have held women back in secondary positions as regards land ownership and this transformation must have been observed in ways governments legislate and deliver programmes for women’s land rights.

### **International and Regional frameworks backing women’s rights to Land.**

#### **The National legal framework that protects women's land rights.**

Uganda boasts of a progressive legal and policy framework, with the **Constitution of the Republic of Uganda** (1995) which embodies far-reaching policy and legal reforms aimed at securing women's land rights, advancing gender equality and women's empowerment. Article 21 provides that all persons are equal before the law in all spheres of political, economic, social, and cultural life and every other aspect and shall enjoy equal protection of the law. Article 31 (1) of the Constitution entitles women and men to equal rights during and after marriage including the acquisition of property which may be land during the marriage. The **Land Act Cap 227** provides for mandatory representation of women on land tenure governance institutions. The **Uganda National Land Policy (2013)** has among its core principles, *“Equity and justice in access to land irrespective of gender, age, disability or any other reason created by history, tradition or custom.”*

#### **About the Women’s Land Rights Movement in Uganda.**

The WLRM was reinstated and revived during the 2<sup>nd</sup> National Women’s conference that took place in Uganda in 2016 to continue with the mobilisation and collaboration of about 20 members ranging from civil society organisations, Ministries, Departments, Community based organisations with a common view and understanding of the land rights challenges that affect women. Bearing in mind that women are the major contributors to the social and economic survival and wellbeing of households and communities. Although women are the majority producers of the food we feed on (approximately 80% of agricultural producers),

patriarchal norms have bestowed power over land to men and women have a subordinate position which prevents them from enjoying their land rights and participating in land reforms, particularly at a decision-making level.

In addition to the above facts, due to social, cultural, religious norms and stereotypes, women remain overburdened with work; have less time and mobility; have less access to and control over productive resources and therefore less access to and control over the benefits of productive activity (household and personal); have less access to education and training and hence fewer economic options; women have less experience, self-confidence and credibility in public-sphere activity and lack political power. All these inhibit their participation in land governance processes and therefore cannot benefit equitably with men.

To be able to deal with the above issues that inhibit the full enjoyment and realisation of women's land rights, members agreed to set out 10 minimum demands that each of them would contribute to fulfilling in their various organisations for a period of 5 years (2016-2021) which include;

1. In full compliance with national, regional, and international aspirations of women 's rights instruments, every land administration decision and action must fully involve women themselves as the rights holders regardless of her birth, age, tribe, social origin/affiliation, religion, marital status, fortune, and political or other opinions.
2. Uphold and implement fully the provisions of the CEDAW and the Protocol to the African Demands on Human and People's Rights on the Rights of women in Africa, that enshrine the right to equal access to, ownership and control of land, livelihood, and acceptable living conditions; Agenda 2030; the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests as well as the AU Declaration on Land Issues and Challenges in Africa.
3. Fully implement Article 26 and 33 of the 1995 Constitution of Uganda which upholds and protect rights to own property and land.
4. Ensure good and gender-sensitive land governance including clear instruments for documentation of women's rights to land across all tenure types.
5. Improve access to justice for women and provide universal legal aid for women to seek redress for any violations of their land rights.
6. Outlaw bad customary and written laws and practices that negatively affect women's tenure security; Institute formal and cultural deterrent mechanisms against individuals, groups or associations of persons, companies or institutions that evict, dispossess, or disinherit women of their land.
7. Respect, protect and enforce the right of every woman in Uganda to hold and use land free of fear and violence, for their economic empowerment.
8. Regulate businesses and investments so they are accountable for respecting human rights, environmental, social, and labour standards; review public policies that fuel land grabs and replace them with policies that prioritize sustainable land use considering the unique needs of women and other small-scale food producers; and

ensure the free, prior & informed consent of all communities affected by land-based investments inclusive of extractives.

9. Generate the status of land governance in Uganda using gender indicators to provide evidence and gendered information on land ownership that will be used to close the gender gap in landholding.
10. Target women with incentives for land allocation, utilization as well as facilitate land transactions and funding to promote equal opportunities.

### **Why the Women's Land Rights Conference**

Women have always experienced enormous challenges when it comes to accessing credit in financial institutions because of the lack of collateral like land simply because they do not have land registered in their names. The 2016 National conference aimed at ensuring that by 2025, women attain 30% registered ownership and the members of the WLRM committed to implementing the 10 minimum demands geared towards the fulfilment of the 2025 agenda, therefore, the third Women's Land Rights Conference of 2021 will be a carry forward conversation to: **``TRACKING PROGRESS OF THE RIGHT TO LAND IN Uganda 2016-2021 AND IMPLICATIONS TO NATIONAL SOCIAL ECONOMIC TRANSFORMATION``** The planned virtual conference will be a time for self-assessment, how far we have come in this journey five years down the road, what has been achieved, what more can be done to ensure that the 30% is reached for the realisation of women's land rights and security of tenure, what recommitments need to be made, which champions do we need onboard moving forward.

Further, it will also help build consensus at the country level on requisite national level actions for better protection and advancement of women's rights to land that will result in an equitable and transformative change in the land sector. This will aid in the creation of a safe space for women of different social, economic and religious beliefs and backgrounds to dialogue with state and non-state land actors and find amicable solutions to local and national challenges they face with emphasis on their strategic and practical needs considering that women are not a homogenous group, concerns of intersections of women (including; married women, female household heads, widows, rural & urban women, illiterate, educated, the elderly, women with disabilities among others) must be put at the centre of the land debate.

### **Objectives**

1. To create a platform for discussion and sharing of their lived experiences between the grassroots women and the duty bearers, this will aim at generating new commitments towards the cause of security of tenure for women.
2. To evaluate the progress of the 10 minimum demands that organisations committed to fulfilling for the past 5 years towards the achievement of the 30% registered land in women's name.
3. Gunner and generate commitments for the Women's Land Rights Agenda 2021.

4. Documentation of women's voices and best practices from the 5years implementation.
5. Laying strategies on how the WLRM will work for the next 5years.

### **Expected Results**

1. A strengthened multi-stakeholder Platform on gender equality on land established and functional.
2. A revamped and visible Women's Land Rights Movement inclusive of the ministry focal persons for collaboration to drive the agenda for the next 5 years.
3. A recommendation from the WLRM members on the women's land rights agenda.

### **Participants.**

The conference will be attended by a wide range of actors from local and national levels among including the following: -

1. Land actors at national level; Parliamentarians, Ministers, the justice sector, and the land sector.
2. A selection of local government officials Local Government Associations
3. Customary/traditional institutions with responsibilities over land.
4. Development partners financing land-related sectors (such as land, agriculture, environment, natural resources, livestock development, and infrastructure development) and women's rights programs.
5. Grassroots women and their organisations.
6. Religious leaders from the different faiths
7. Non-governmental organizations including farmer organizations at the national level.
8. The academia.
9. The private sector.
10. The media.

### **Methodology;**

Planning and preparatory virtual meetings are held weekly (Friday) to enable the smooth preparation.

Follow ups are also conducted on phone calls to different representatives of the organisations that form the WLRM but also the champions to help in the mobilisation of participants that will attend the conference on the tasks assigned like; Reports on their commitments, session briefs, and presenters bios etc.