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### Commission on the Status of Women

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**Statement submitted by Congregation of the Mission, Salesian Missions, Inc., Greek Orthodox Archdiocesan Council of North and South America, Sisters of Mercy of the Americas, non-governmental organizations in consultative status with the Economic and Social Council\***

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

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\* The present statement is issued without formal editing.



## **Statement**

### **Property Rights of Women Displaced in Rural Settings**

#### **Introduction**

As international faith-based organizations, and moreover as members of the human community, we believe that the empowerment of rural women and gender equality are central components to overcome hunger and poverty and achieve the 2030 Agenda for Sustainable Development. We applaud the prioritization of women's empowerment and gender equality by the global community through the decisive goals, targets, and indicators of the 2030 Agenda, however, much work still needs to be done. The continued full participation of women at every level, not only in setting the development agenda but also in realizing the goals, is essential.

The global community must address the issues that impede development for all, especially women and girls. Displacement of women and girls exacerbates gender inequalities. The continued forced displacement of women denies them access to, use of, and control over land and other productive resources essential to ensuring their right to equality and adequate standard of living. The disempowerment of women has detrimental consequences for sociocultural and economic development across all levels and sectors. These issues include, inter alia, multidimensional poverty, equal access to education for girls, the family unit, the feminization of extreme poverty, equitable economic opportunity, and the common good of both small communities and the global community. The empowerment of women and girls worldwide and the significance of women's full participation in society must be of the utmost priority.

#### **Assessing the Problem of Property Rights of Women Displaced in Rural Sub-Saharan Africa**

For millions of Internally Displaced Persons (IDPs), self-settlement constitutes a preferable alternative to camps. Camps often built as short-term solutions are turning into permanent living situations. These camps often have inadequate access to infrastructure, education, food, water and sanitation; remove prospects for permanent relocation and basic necessities for sustainable livelihoods; create chronic problems due to segregation from surrounding society; and expose women to gender-based violence, abuse, and sexual harassment. Therefore, rural settlers are often forced into the most unfavourable conditions, in communities that have far less capacity to host IDPs, creating tension between the displaced and the host communities. Single or widowed women displaced in rural settings are the most vulnerable of the population, as they face threats to their physical security and integrity, a lack of access to basic necessities and livelihoods, and violations of their rights to housing, land, and property ownership.

The problem displaced women in rural sub-Saharan Africa encounter is twofold. Much displacement in sub-Saharan Africa is protracted; the longer displacement lasts the more complicated it is to reach sustainable solutions. This is compounded when self-settled IDP's lack legal documents and registration to receive humanitarian assistance. Remote, rural areas tend to receive little support from governments or the international community, leaving women in the most vulnerable state. This is further compounded by property rights and issues of restoration of land in regions that hold land through customary, patriarchal laws. This has detrimental consequences for the

sociocultural and economic development of the global community, small communities, families, and most especially women.

**The data related to women placed rurally and its link to land rights have been noted:**

- According to the UNHCR Global Trends Forced Displacement in 2015, the total population of IDPs displaced due to conflict and violence was an estimated 40.8 million by the end of 2015, an increase of 2.6 million over the number reported in 2014.
- The Internal Displacement Monitoring Center (iDMC) has shown that “in total, 12.4 million people were living in ongoing displacement in Africa as a result of conflict and violence, this figure is 30 percent of the total number of people internally displaced by conflict globally, and twice the total number of African refugees”, with many taking refuge outside of camp settings in rural communities.
- The 2016 Africa Report on Internal Displacement, by iDMC, revealed that 1.1 million new displacements in 2015 were due to rapid onset disasters. With more than 60 percent of sub-Saharan region’s population living in rural areas, and obstacles of protracted displacement, an overall number IDP’s due to natural disasters is unavailable.
- The World Bank reveals that in sub-Saharan Africa, despite efforts of formal land administration systems, customary land laws control an individual’s access to and ownership of land. Under customary law, women obtain rights to land through a male spouse or relative, in the event of the males’ death or divorce, women lose their rights and face insecurity.
- In times of displacement, widowed women, girls and outsiders often face limited rights to land. IOM’s Rural Women and Migration fact sheet notes that women-headed households are expected to resume their traditional roles while also undertaking the male’s responsibility. This can be especially taxing when women face social and economic discrimination due to patriarchal property laws. This leaves many displaced women landless and limits their prospects for durable solutions and the capacity to resume normal life.
- According to UNFPA State of World Population 2009: women, population and climate report, in both gradual and sudden displacement scenarios, “pre-existing patterns of discrimination and abuse of women are often aggravated”, which is further compounded when trying to obtain documentation or regain ownership of property.
- The UNHCR Global Review of People Internally Displaced by Conflict and Violence concluded that many widowed IDP’s in sub-Saharan Africa lose their land rights due to the repossession of land by the family of their deceased husband. This prevents women from rebuilding agricultural livelihoods and forces them to live in continuing insecurity.
- According to UNRISD’s Between Protest and Policy: women claim their right to agricultural Land in China and India, women who obtained entitlement to land “gained greater social status and increased bargaining power over household assets, experienced a reduction in gender-based violence, and had more of a voice in land governance as well as decision making in socio-political affairs”.

We commend Member States for their efforts to combat both the aforementioned complexities of the root causes of forced displacement through the Sendai Framework for Disaster Risk Reduction. The progress made in protection and assistance for IDP's through the Kampala Convention, IOM Gender Equality Policy 2015–2019, and the New York Declaration for Refugees and Migrants are worth noting. We acknowledge the strides Member States have taken to implement land laws regarding equal rights of property ownership. Yet, there remains a gap between these efforts and the reality women face daily.

The oppression of displaced women through property rights inhibits their access to livelihoods; limits their capacity and resilience for durable solutions; restricts their negotiating power and participation within the community; and removes their protection against gender-based violence. A transformative development agenda will only be realized when women facing social and economic discrimination have the opportunity to build self-reliance and access to sustainable livelihood activities, creating resiliency to overcome their current and future challenges.

Without combating the structural and cultural root causes of the phenomenon women face, any investment of resources cannot reach its full potential. It is the responsibility of the global community to be catalysts of transformative development, ensuring women the opportunities for full participation in societies, both local and global. Transformative development is not only necessary for the sustainable growth in the world, but also for preserving humanity and universal human dignity.

### **Recommendations**

We call Member States, UN entities, and Civil Society to work together to create an integrated approach to development through a collaborative, community centered approach to combat disempowerment of displaced women. The following is recommended to this end:

- For countries that have not already done so, adopt laws and policies that protect and ensure women's property rights.
- Address political, economic, environmental, and sociocultural root causes of both forced displacement and violation of property rights.
- Provide provisions for intergraded development approaches, to address needs of IDP's, host communities, and women's empowerment.
- Ensure the engagement of all stakeholders to facilitate a durable solution for displacement. National and local authorities, humanitarian and development actors, community chiefs/elders, and women must all work together to identify strategies and activities to empower women.
- Eliminate property, housing, and land right violations by addressing cultural laws, norms, and ideas of women's right to property through involvement of whole communities, building on communities' experiences around women's property rights and existing formal laws. Community acceptance and understanding is essential to push development initiatives and women's empowerment forward.
- Ensure women's full, inclusive, and effective participation, providing equal opportunities for leadership at all levels of decision-making in political, economic, and public life.

- Invest in implementation of laws and policies through awareness-raising and training. It is crucial to ensure that rights-holders know about and are able to claim their rights.
  - Invest in sensitization of local officials, community leaders, and other relevant actors of laws and policies on women's rights, to ensure accountability on a local level.
  - Address gaps in legal systems by cross sectoring women's rights into other legal provisions to ensure that the provisions work together.
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