

ACHPR/Res.262 (LIV) 2013: RESOLUTION ON WOMEN'S RIGHT TO LAND AND PRODUCTIVE RESOURCES

The African Commission on Human and Peoples' Rights, meeting at its 54th Ordinary Session held in Banjul, The Gambia, from 22 October to 5 November 2013,

Recalling its mandate to promote and protect human and peoples' rights in Africa pursuant to the African Charter on Human and Peoples' Rights (the African Charter) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol);

Mindful that women's rights, based on the principles of equality and non-discrimination, are recognised and guaranteed by all regional and international instruments, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and its Optional Protocol, the African Charter and the Maputo Protocol;

Mindful of the relevant provisions of the Maputo protocol, in particular Articles 7, 15, 19 and 21;

Mindful of the Framework and Guidelines on Land Policy in Africa adopted by the African Union in 2009, in particular the provisions relating to strengthening women's right to land;

Recalling the African Women Decade (2010-2020) launched by the AU to promote gender equality and women's empowerment through expediting the implementation of the relevant regional and global decisions and commitments;

Considering that women's access to, control over and use of land and productive resources contribute to promoting gender equality and constitute a solid basis for improving women's social, political and economic status;

Recognising women's invaluable contribution to the effective use of land and their role in developing strategies to ensure food security, community development and sustainable agricultural practices on the continent;

Concerned that even though most State Parties have ratified the Maputo Protocol and other international instruments on women's rights women are still deprived of their right to own land and property and continue to experience discrimination and harmful social practices as a result of gender inequality;

Considering that women living in rural areas, women from poor and marginalized communities, women living with disabilities and women infected by HIV/AIDS are more affected by marginalisation;

Deeply concerned that women are disproportionately affected by poverty, climate change, forced evictions, dispossession of land and forced resettlement;

Conscious that State Parties have the primary responsibility to ensure and protect women's right to land and property in Africa:

1. **Urges** State Parties that have not yet done so to ratify the Maputo Protocol and ensure its effective implementation;
2. **Urges** State Parties to fully comply with their obligations and commitments to ensure, protect and promote women's right to land and property;
3. **Encourages** State Parties to repeal discriminatory laws and adopt legislative measures to sanction customary practices that limit or have a negative impact on women's access to, use of and control over land and other productive resources;
4. **Calls on** State Parties to organise sustained public sensitisation, information and education campaigns for community and religious leaders in order to transform socio-cultural patterns of conduct that deprive women of their security of enjoyment of and equal access to property, land and adequate housing;
5. **Calls on** State Parties to undertake land and agrarian reforms to ensure equal treatment for women in rural development, land distribution and social housing projects;
6. **Further urges** State Parties to:
 - i. provide legal protection to women against forced evictions and dispossession of land for use by public and private actors;
 - ii. ensure widows' right to inheritance, including the right to inherit the movable and immovable property of their husbands, as well as their right, irrespective of the matrimonial regime, to continue to live in the matrimonial house;

- iii. ensure access to public justice services for underprivileged women by providing effective remedies for violations of their right to land and property, and free legal assistance in order to ensure compensation and the restitution of land;
 - iv. ensure that financial and microcredit institutions integrate the specific needs of women into their policies and practices, including access to credit and income-generating activities, especially for poor women and women heads of households;
 - v. integrate into national HIV/AIDS control strategies, as well as farming and land policies, women's right to land and property;
 - vi. put in place special measures to protect the property rights of women with disabilities.
 - vii. allocate specific resources to investment programmes that support and strengthen initiatives by rural women, in particular small-scale farmers;
7. **Calls on** international institutions and regional economic communities to provide technical and financial support to African governments towards achieving women's right to land and property, at all levels, in accordance with the Maputo Protocol and other relevant international instruments.

Done in Banjul, The Gambia, 5 November 2013