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Empowering women, reducing child poverty and enabling women to inherit

Kate Bird

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Introduction

- Land is major asset in low income developing countries
 - primary source of wealth, social status, and power
 - source of social mobility when combined with capabilities and agency
 - provide collateral for formal sector borrowing
 - enable investment - including in human capital of next generation
 - reduce vulnerability to shocks, boosting resilience and limiting adverse coping strategies
 - provides the basis for shelter, food, and economic activities
 - linked to access to water and services (sanitation and electricity)
 - linked to ability to make long-term investments in land and housing
- Women are centrally involved in agriculture and producing food but own only 1-2% of individually titled land



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Women and land ownership and inheritance

- Women commonly access land only through their husbands, fathers, brothers or sons
- Less than half of widows inherit any assets when their husbands die (22% in Sierra Leone, 66% in Rwanda) (Peterman, 2010)
- Of 15 SSA countries, spouses family (not widows & children) inherit in the majority of cases (except Rwanda and Senegal)
- Women inherit the majority of their husbands assets in 32% of cases (13% in Sierra Leone, 60% in Rwanda).



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Why does it matter if women don't own or inherit land?

- Does this matter if women don't own or inherit land?
- Household or extended family will provide for women and children
- Not always - male h'h head may not allocate resources to maximise the well-being of all household members
- Value and area of land inherited by women has profound long term impacts on their well-being (Kumar and Quisumbing, 2010)
- Women's lack of land rights influences the conjugal contract (& backstop position) and women's ability to exercise agency (power within their household and in wider society) and
 - increases women's vulnerability to downward mobility on separation, divorce or widowhood
 - can contribute to poverty being transmitted intergenerationally (food security, investments in health and education)
 - limits ability to leverage credit to invest in agriculture or other livelihood activities



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- **Factors influencing women's ownership and inheritance of land**



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Marriage and inheritance (1)

- Patrilocality, dowry, brideprice, child custody
- Property rights for polygamous spouses
- Divisions between wives and children
- Spousal rights to property 'jointly' acquired
 - Statutory recognition of in-kind contributions
- Rights for cohabitating partners?
 - Legal definitions (1, 2, 5 years); political opposition
- Recognition of customary marriages
 - Lack of registration (despite eased procedures)
 - Legal precedents (inconsistently applied)
 - Local arbitration of authenticity of claims
- Elizabeth Cooper, 2010



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Marriage and inheritance (2)

- Ethiopia - expectations of what might happen in the event of divorce have long term implications
 - women who expect their husband will get everything feel less in control of their lives
 - less bargaining power within the household
 - affects women's long term life outcomes
- New legislation takes a long time to influence attitudes (and well-being) (divorce)
- Not enough to guarantee that women can inherit property
 - need to have the right to inherit *equally* with men
 - Kumar and Quisumbing, 2010



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HIV and changing family structures

- Uganda & Tanzania - family responsibilities and inheritance practices have changed in HIV- and AIDS-affected communities
 - Children and young people heading households and accessing land younger than usual
 - Stigma entrenching inequality (gender, generational)
 - disinheritance & loss of assets
 - damage to health & emotional wellbeing
 - lack of investment in children's education and care
 - Intergenerational transmission of poverty
- Evans and Day, 2010



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Girls, assets and entitlements

- Access to assets influenced by cultural and family norms – son bias, etc.
- Lack of entitlement/ control over assets can heighten vulnerability and chances of experiencing poverty
- Assumptions that girls will not be economically productive can limit investments in their education
- Direct implications for the girls themselves – also for the next generation
 - Jessica Espey (contributor)
“Stemming Girls Chronic Poverty: Catalysing development change by building just social institutions.” CPRC, 2010.



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- **Why does this matter for child poverty?**



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Enhancing women's role as a decision-maker

- Asset ownership supports economic empowerment of women – linked to other forms of empowerment
- Women who control assets, production and income
 - can decide how to allocate resources
 - have a stronger position in household decision making
 - control of fertility – and child spacing
 - investment decisions – in next generation, in livelihood activities – can unleash entrepreneurial potential, move into higher return activities
 - are more likely to invest in their children
 - improved food security – lower levels of stunting and wasting
 - better use of health care facilities & better preventative care
 - more investment in education – particularly girls education



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- **Context matters.....**



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Pastoralism in Kenya

- Livestock is the key asset in pastoralist communities
- Men inherit
- Parents balance investments in formal education with passing on cattle
 - Lesorogol, Chowa, and Ansong, 2010
- Investing in education versus passing on land is important in other contexts (Guatamala, Bangladesh)



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Land doesn't always help

- Kenya - traditional inheritance practices still dominate – men inherit land (but women do have some rights)
- Inheritance of land doesn't always help people exit poverty
 - can be accompanied by the inheritance of debts
 - land fragmentation - the *shamba* (small farm) can be sub-marginal & a poverty trap , esp. for those without another income source
- Miller, 2010



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Changing policy and practice in a pro-poor way

- Legal reforms, advocacy and education about women's and children's inheritance rights
- Unwanted effects of legal reform
 - Reform does not always help
 - Land titling can lead to women becoming worse off (examples from Vietnam, Laos, Indonesia, India, Kenya)
- Co-registration of land is important where land titling is taking place
- Anti-discrimination legislation commonly have loopholes allowing application of patriarchal customary practice
- Need combined action to improve statutory law and cultural practice



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Land is not enough...

- Land contentious
 - inheritance and marriage/ divorce laws need to be reformed together
 - gender sensitive legislation and frameworks
 - build judicial capacity to uphold the delivery of women's rights
 - develop public awareness and understanding
 - integrated implementation
- Barriers to reforms – other assets, other approaches?



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Complementary measures necessary

- Rights-based social protection (meet basic needs, support livelihood strategies, enhance assets)
- Participation, social movements & peer support – to challenge stigma and enhance emotional wellbeing
- Women and girl-sensitive/accessible microfinance, financial literacy and skills training
- Education and skill development- scholarships for girls
- Support collective action around resources and assets i.e. through cooperatives, credit and savings groups, self help societies.....



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Abbie Trayler-Smith/Panos