

**COMPREHENSIVE  
ASSESSMENT AND  
POLICY BRIEF ON:  
LEGAL AND REGULATORY  
CONSTRAINTS  
AFFECTING  
WOMEN'S LAND RIGHTS**



**>> POLICY BRIEF  
2024**

## INTRODUCTION

Ethiopian Women Lawyers' Association (EWLA) is a non-profit women's advocacy group founded by Ethiopian women lawyers. It began its work in 1996 after being registered in 1995. It has been re-registered as a Local organization by the Charities and Societies Agency in 2019 as per the Civil Society Organization Proclamation 1113/2019.

EWLA aims to promote equal participation of women in all sectors to prevent sexual violence against women and create a safe environment for women through its three programs: Legal Research and Advocacy, Public Education and Capacity Building, and Free Legal Aid service.

With Financial support from Feed the Future Ethiopia Land Governance Activity (LGA), EWLA has deliberated women's land rights agenda with the national and regional women's land rights task force since August 2022. The Ministry of Agriculture and the then USAID-funded LAND project initiated and established the National Women Land Right Task Force (NWLRTF) on February 6, 2015, in collaboration with member organizations working in the land sector in response to the absence of a women's group working on policy issues related to women's land rights in Ethiopia.

The task force aims to deliberate women's land rights agenda working with legislators, drafters, and implementers in the formulation and revision of land laws (federal and regional) and providing input on issues of gender equality and social inclusion.

## BACKGROUND

Land rights have a significant impact on women's ability to exercise and enjoy their other human rights, such as the right to equality, access to food, water, housing, employment and Land is necessary for living in dignity. Globally, women own less land and have less secure rights over land than men. Women make up, on average less than 20 percent of the world's landholders but an estimated 43% of the agricultural labour force[1]. The issue of women's access to productive resources in general, and land, cannot be separated from the broader context of macroeconomic policy and the international economic system.

Similarly, in Ethiopia Women are not enjoying their equal rights to access land and other productive resources because of prevailing discriminatory social norms, and legal and regulatory constraints. Ethiopia has adopted different international and regional treaties, conventions and commitments related to women's rights. There are groundworks to recognize women's access to and control over land including implementing a rural land registration program. Though the available legal and regulatory frameworks recognize the equal rights of men and women in all matters, including women's equal rights to acquire, administer, control, use, transfer, and sell property, they also play a role in the existence of marginalization of women in the land matter.

Hence, Ethiopian Women Lawyers' Association contracted optimal consultancy to conduct an assessment in six regional states to identify the legal and regulatory constraints affecting women's land rights.

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## METHODOLOGY

The study employed a qualitative legal research approach whereby both the doctrinal perspective and the qualitative perspective are used. It focuses on the quality of social meanings constructed in the data collected in the form of words empirically inquiring about women's land rights. Qualitative data was collected through key informant interviews, focus group discussions to identify the specific legal and regulatory constraints affecting women's land rights in Ethiopia, as well as the social, economic and cultural factors that contribute to these constraints. Moreover, case analysis from EWLA's Free Legal Aid Service and document review were also conducted.

## KEY FINDINGS

The legal frameworks and regulatory processes on women's land rights vary across regions. However, based on the findings from the respondents, one can say that the protection and realization of women's land rights are improving in the study regions. Various actions are being taken to secure women's land rights. The program of second level land registration and certification is one of them.

### **Laws that are ambiguous for interpretation:**

There are provisions in the laws lacking clarity, which lead to different interpretations by the judges. The laws are not detailed enough to guide decisions. This is evident in the cases of periods of limitation in land affairs, which is a blurred issue. Women are losing their holdings because of the confused period of limitation. Though it is affecting all landholders, women are particularly affected by this during sharecropping and land renting because tenants have control over the land for a certain period, they fraudulently get the land certificate in their name.

When women take cases to the judiciary, the defence of a period of limitation is used against their case.

### **The long decision-making process and delayed enforcement:**

Due to the complexity of land-related cases, there are usually a series of adjournments. Women usually do not appear during adjournments due to their economic and mobility constraints. In litigation, women are not able to communicate their cases effectively to the court because of cultural pressure and fear. Furthermore, delayed enforcement of the decisions, ill or non-enforcement, and extended appointment to the enforcement of the decisions are the challenges women face. Women and vulnerable groups are constrained to make follow-ups of the lengthy process and extended appointments. There are instances of decisions that are ill-enforced because of a lack of coordination between different institutions in the enforcement. the judgment debtors are reluctant to hand over the land to women judgment creditors. It was also noted that there are instances where reports have been sent to justice institutions as if the land is handed over to women without handing over it. responsible people to enforce decisions are the kebele administration and responsible people there to enforce decisions have no salary

and oftentimes require daily allowances. This situation makes the enforcement process onerous and contributes to the delay or non-enforcement.

### **Women's limited Participation in Decision Making:**

Women's participation is limited especially in the land administration and dispute resolution processes. Widowed or divorced women have relatively active participation in land administration and dispute resolution processes when there is no one they can delegate to act on their behalf. Hence, in the second level of land registration and certification, efforts were made to rectify this situation by engaging them to participate in the adjudication process, land administration process, and community meetings. However, because of cultural pressure, limited access to education, and societal discriminatory practices, women are usually reluctant to bring their grievances in the courtroom and participate in different committees.

### **Accessibility of the Legal Aid Services**

law schools within universities, courts, Women and Social Affairs Bureaus and CSOs provide free legal aid service for those who cannot afford to pay. It has been given by both the government and the civil society organizations. However, the services have been inaccessible to the rural community as most of the centers are in towns and cities. Free legal aid is being provided in all regions' studied; however, findings indicate that it is not enough compared to the demand.

### **Awareness creation gaps,**

Women's access to justice, and fair decisions are affected by their low level of awareness of the relevant laws applicable to establish their cases. Limited awareness of the substantive and procedural laws, limited awareness about the very existence of free legal aid services, and the range of services governments and CSOs provide is constraining women from accessing their land and getting justice.

### **Limited coordination of stakeholder institutions:**

This is one of the constraints to women's equal access to land. There is a lack of coordination among stakeholders in enforcing court decisions and implementing efficient land administration functions. The coordination between land administration institutions and the judiciary sharing documents to serve in the courtroom and pass fair decisions has been weak. Coordination between women's affairs offices and kebele land administration to ensure women's participation and protect their land rights are limited.

## RECOMMENDATIONS

### **Legislative reform and systematic engagement with customary system:**

The assessment report highlights gaps and challenges within national and regional rural land laws regarding the participation of women in land governance processes, the protection of women's land rights, and the determination of periods of limitation in land matters. It emphasizes the need for legislative revision to address these deficiencies and ensure that the laws incorporate gender-responsive provisions.

To effectively address cultural barriers, a systematic approach to engaging with customary systems is necessary. Customary systems often govern land management, and administration, in rural areas, and they influence how land rights are allocated and enforced.

It is crucial to ensure that customary practices do not discriminate against women and that they are aligned with principles of gender equality. Legislative revision should prioritize the incorporation of gender-responsive provisions into land laws while also engaging with customary systems to ensure they promote gender-equitable land rights. This process requires collaboration with local stakeholders, awareness-raising efforts, and careful consideration of the potential impacts on women's rights and equality.

### **Strengthening women's role in land governance processes:**

Promoting women's participation in land governance is not only a matter of gender equality but also essential for achieving sustainable and equitable land management practices. By ensuring that women are actively involved in decision-making processes,

governments can create more inclusive and adequate policies and institutions that benefit all members of society.

### **Strengthen coordination of stakeholder institutions:**

Improving coordination between stakeholder institutions is indeed crucial for the realization of women's land rights. To address the several challenges to realize women's land rights such as *Institutional Barriers: Resource Constraints; Legal and regulatory challenges; Communication and Information Sharing; Resistance to Change: Political Interference; Cultural and social factors*, requires a comprehensive approach that involves not only technical solutions but also addressing broader systemic challenges and engaging relevant stakeholders and strengthening collaboration in the process. It may also require sustained commitment and support from government authorities, civil society organizations, and international partners.

### **Awareness creation and Capacity Building:**

Creating awareness on women's land rights involves various strategies, like targeted stakeholders' awareness programs, short-term and long-term training, and community-level awareness. In general, raising awareness about women's land rights is crucial for promoting gender equality, empowering women to seek justice and assert their rights; and ensuring equitable access to and control over land. Moreover, creating awareness and building capacity fosters opportunities for stakeholders to create an enabling environment to fulfill equitable women's land rights.

## Expanding and enhancing the quality of free legal aid services:

Ensuring access to free legal aid services for women, particularly in rural areas, is essential to promote equitable land rights and empower women and improve access to justice. By addressing barriers to access and improving the quality of services, legal aid can play a crucial role in advancing women's land rights and promoting social justice. Providing free legal aid services, particularly in accessing and defending their land right is crucial to the empowerment of women and their survival. Hence Legal aids services should consider targeting all women including rural women creating awareness and outreach, provide quality Services.

## Explore Civil Society Organizations' roles in realizing women's land rights:

Empowering CSOs to engage in advocacy, legal support, and capacity-building activities related to women's land rights is essential for advancing gender equality and social justice. Using their engagement in the communities, expertise, resources, and advocacy networks, CSOs can significantly contribute to creating an enabling environment to voice women's land rights and increase women's participation in decision-making processes related to land governance. CSOs are not actively engaged in promoting women's land rights in Ethiopia. However, they can represent communities, advocate for legal reforms to protect women's land rights, and lobby to push for legal and policy reforms.

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