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**CIVIC FORUM ON HOUSING AND HABITAT ZAMBIA SUBMISSION**

**DRAFT GENERAL RECOMMENDATION ON IWAG**

**THE RIGHTS OF INDIGENOUS WOMEN AND GIRLS TO LAND**

**Introduction**

Any form of violence against people based on their gender, creed, socio-economic status, cultural and political affiliations is detrimental to the realization of fundamental human rights and development. In developing countries, promoting and appreciating fundamental human rights remains critical considering a number of cases of human rights violation as a result of Large-Scale Investments ranging from mining to industrial agriculture.

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on Gender-General Assembly 1979 resolutions.

**Discrimination against Women and Girls to Land Access**

With regard to women land rights and access, Zambia like many other developing countries has not performed well. Women and Land Access remains a big challenge for many women in Zambia considering the economic challenges that most women experience, cultural beliefs that deters women from accessing land for housing, and farming. The gender inequality index (GII) value increased from 0.517 in 2017 to 0.540 in 2018, signifying an increase in the inequalities that exist in the participation of women in labour markets. This has further been exacerbated by lack of institutional and human resource capabilities, coupled with the persistence of patriarchal cultural beliefs or norms and Zambia’s dual legal system (though recently revised to give supremacy to constitutional law) which continue to hamper efforts aimed at achieving the full participation of women, girls, and the youth in various sectors, notably in education, sexual and reproductive health, and access to resources and economic opportunities, among others[[1]](#footnote-1).

Further, the 2021 Zambia National Land Policy does not clearly provide policy objectives on how it seeks to address inequality affecting women in accessing land and how women can be protected in the wake of displacement and evictions. This is a serious threat to indigenous women and girls that often face threats of eviction as a result of industrial agriculture and mining investments in Zambia. Therefore, there is need to have a sound land policy and policy objectives/implementation strategies aimed at protecting and promoting indigenous Women and Girls access to secure land. This will be ideal in addressing women and girls’ rights against land rights violations.

It is in the public domain that women role in Agriculture and food production cannot go unnoticed, yet their role and efforts are not recognized. ‘Agriculture can be an important engine of growth and poverty reduction but the sector is underperforming in many countries in part because women who are often a crucial resource in agriculture and the rural economy, face constraints that reduce their productivity’ (The 2008 World Development Report; World Bank, 2007). Access to secure land tenure for women for indigenous women and girls in developing countries remains critical as it denies them opportunities to fully utilize the land for income generation and economic participation.

**Recommendations for consideration**

Land is a birth right of every human being regardless of their gender, creed, socio-cultural and economic inequalities that exist in society. Therefore, indigenous women and girls should not be left out in accessing secure land tenure.

The need to actualize fundamental human rights especially the right of women and indigenous girls to land access and ownership is very cardinal in addressing not only poverty but also women poverty in developing countries.

Therefore, CEDAW should make it mandatory for member countries to domesticate good policy recommendations made at global level and integrate them in national policies for consideration and implementation.

1. Gender Status Report 2017-2019 [↑](#footnote-ref-1)