

# Land Policy Reform in Rwanda and Land Tenure Security for all Citizens: Provision and Recognition of Women's Rights over Land

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## Outline

- Background to study
- Aim of research
- Data sources
- Results
- Conclusion and recommendations

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## Background to study

- In Rwanda, for many years ago, rights to land for women and female orphans had not been recognized.
- The main causes:
  - Inexistence of efficient land administration systems
  - Prevalence of traditional system of land tenure which did not favor women and female orphans.

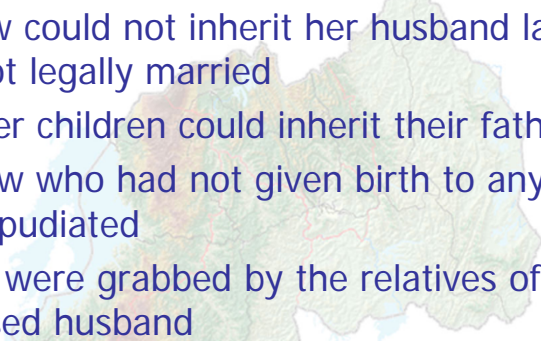
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## Background to study (Cont.)

- **Within customary systems of land tenure:**
  - Widows and female orphans were deprived from the possession, use and control of land,
  - Land ownership was a prerogative of men,
  - Female descendants were excluded from inheritance of the family land
  - Land rights were transferred from father to son through inheritance process.

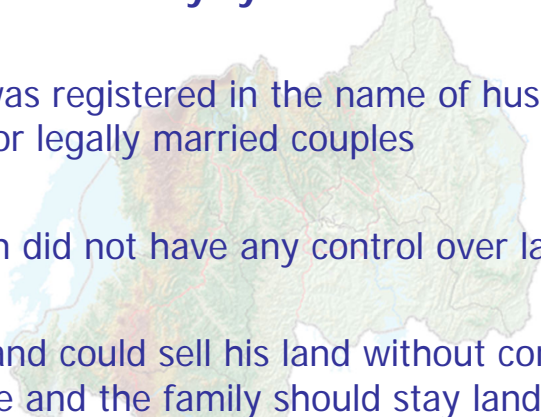
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## Background to study (Cont.)

- A widow could not inherit her husband land if she was not legally married
  - Only her children could inherit their father land.
  - A widow who had not given birth to any children was repudiated
  - Lands were grabbed by the relatives of the deceased husband
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## Background to study (Cont.)

- **Within statutory systems of land tenure:**
    - Land was registered in the name of husband even for legally married couples
    - Women did not have any control over land.
    - A husband could sell his land without consent of his wife and the family should stay landless.
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## Background to study (Cont.)

- In 2004, the Government of Rwanda adopted a land policy reform,
- Aims of the reform:
  - Promoting an effective land administration system that ensures land tenure security for all Citizens,
  - Establishment of a legal environment that recognizes landholders' rights without any gender discrimination,
  - Providing landholders the possibility for registering and transferring their rights over land.

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## Background to study (Cont.)

- A new land policy was enacted in 2004,
- An organic land law was passed out in 2005,
- Those two documents complement the national constitution ( 2003), the inheritance law ( 1999) on issues regarding the transfer of land rights
- They prescribe the respect and recognition of land rights for men, women, and heirs without any discrimination based on sex.

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## Background to study (Cont.)

- Some principles guiding access to land:
  - A legally married widow has rights to inherit the land of the deceased husband
  - Orphans, being female or male have equal rights to inherit their parents' lands in case of death of both parents.
  - Children from illegally married couples: female as well male descendants have equal rights over their father land.

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## Aim of Research

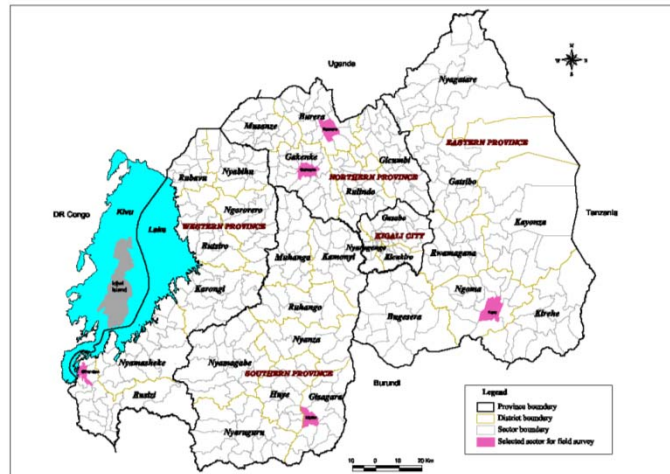
- To assess if land policy reform undertaken by the Government of Rwanda, has contributed to land tenure security of socially marginalized people: widows and female orphans.
- To investigate whether rights of widows and female orphans on land are recognized, enforced and if their security of tenure is guaranteed.

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## Data sources

Field surveys: five districts



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## Data sources

- Survey questionnaire and interview: 46 widows, 46 female orphans, and 46 old people
- Interviews: 38 local leaders and officers enrolled in land adjudication, land registration processes, and land management.

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## Results

- The new land policy and organic land law have been implemented.
- They help in solving claims related to land grabbing
- Leaders at different levels of government have assisted widows and female orphans in receiving back lands that they were evicted from.

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## Results

- From the year 2000 till 2010, local leaders received 452 claims from widows whose lands were grabbed,
- 82% of received claims were solved, and lands claimants received back their lands.
- 18% of the claims were still being processed during the survey.

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## Results

Number per sector of widows who claimed land rights from 2000 till October 2010

Claims	Sector					Total	%
	Gakenke	Gihundwe	Kazo	Kibilizi	Rwerere		
Received claims	132	98	113	39	152	534	100%
Solved claims	104	77	93	24	143	441	82%

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## Results

- From 2000 till 2010, 954 claims related to land grabbing or unfair land sharing were received from female orphans
- More than 90% of claims were solved.
- 10% of claims were still in process during the survey period.

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## Results

Number per sector of female orphans who claimed land rights from 2000 till October 2010

Type of claimant	Sector									
	Gakenke		Gihundwe		Kazo		Kibilizi		Rwerere	
	Received claims	Solved claims	Received claims	Solved claims	Received claims	Solved claims	Received claims	Solved claims	Received claims	Solved claims
Land grabbing	104	90	56	44	97	83	31	25	142	127
Land sharing	121	121	97	95	104	104	53	51	149	145
Total	225	211	153	139	201	187	84	76	291	272
%	100%	94%	100%	91%	100%	93%	100%	90%	100%	93%

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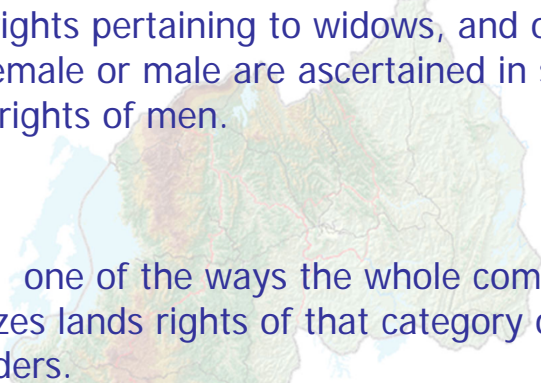
## Results

- Rights on land for women and female orphans have received a considerable attention.
- Women heading household or widows, orphans participate in the process of land adjudication
- As well as other land owners, widow and female orphans guide surveyors in land boundaries demarcation.



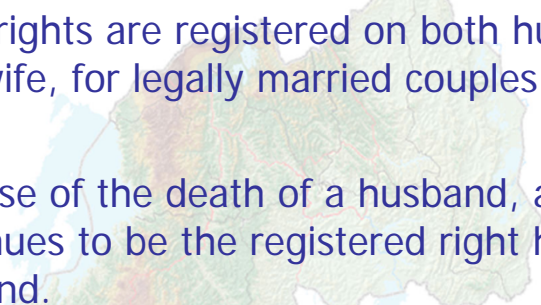
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## Results

- Land rights pertaining to widows, and orphans, being female or male are ascertained in similar way as rights of men.
  - This is one of the ways the whole community recognizes lands rights of that category of landholders.
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## Results

- Land rights are registered on both husband and wife, for legally married couples.
  - In case of the death of a husband, a widow continues to be the registered right holder of the land.
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## Conclusion and recommendations

- The land policy reform undertaken by the government of Rwanda has positively impacted the land tenure security for women and female orphans.
- Women and female orphans have been able to repossess and take control over their lands that they were deprived under the old and traditional system of land administration.

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## Conclusion and recommendations

- Rwandan community recognizes the rights of women, female orphans over land.
- Widows have rights to inherit their husband's land if they were legally married.
- Female orphans being descendants from a legal or illegal marriage have also the rights to inherit their parents' land as well as the male orphans.

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## Conclusion and recommendations

- Some women and female orphans are not aware about laws and policy protecting them from land deprivation.
- They do not know the process for claiming or defending their interest in land.
- A sensitization about their rights over land is recommended.

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## Conclusion and recommendations

- A sensitization is also needed for the mediators who take part in solving conflict related to land ownership.
- Most of them do not know the current laws guiding the process of lands rights transfer.

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## Conclusion and recommendations

- Current legislations do not cover the rights of women married in a non-customary way.
- A widow who was illegally married does not have any rights over her husband property.
- Government should adopt laws clarifying the ways this matter can be handled.

***Thank you***