

Land and Property Rights of Women in Sri Lanka

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Securing rights to land and property for women is widely recognized as fundamental to ensuring effective and sustainable human development. Hence it is extremely important to consider the situation of women in enjoying this right when assessing the gender equality situation in a country. Sri Lanka's constitution is nondiscriminatory on ownership of land and property. Traditionally, however, the majority of people transfer property inheritance to male members of families considering that they are the future breadwinners.

Latha is the youngest in a family with three children. She is unmarried and lives in her family's own house. The ownership of the house had been transferred by her parents to her second eldest brother. The eldest brother was given the ownership of their paddy field. Latha's parents' intention was to give some money to Latha when she gets married. Unfortunately, her father died and mother could not do anything as she did not have any control over the family resources, either. After the death of her mother, she has become a dependent on her brother and began to undergo difficulties due to the lack of rights to her parents' land and property. Under these circumstances, Latha wanted to engage in dressmaking to earn some money. But she had only one sewing machine, and was not even permitted to utilize a part of the house for her business. She tried to obtain a loan facility from a bank to rent out a place and purchase additional sewing machines to start the business, but failed due to lack of collateral.

Mala is a married woman who lives in a rural area with her husband and four children. Her husband is a farmer, who earns a considerable income and owns a house and paddy land. But gradually he became alcoholic and also started gambling. After sometime Mala came to know that her husband had mortgaged their house and obtained money. He had not even informed her about this fact and not given a single cent for family expenses. Yet, she had to suffer silently for her children.

The above are only a few case examples of many poor women who lack rights to land and property. In poor rural communities, male dominance is still prevalent and the majority of males enjoy more access and control over land and property compared to females. Consequently, women's subordinate position and dependence have been further aggravated.

Women's disadvantageous position due to the lack of land and property ownership rights has been clearly manifested during the implementation of programmes even at a national level. It is seen recently in implementing resettlement schemes in war-torn

areas after the 30-year-long war in the country. The war has left women in the Northern and Eastern Provinces without choice but to become heads of households as a result of deaths or disappearance of their male counterparts. Most of them have become homeless and landless single mothers. They are forced to take care of their children without any income and any other livelihood opportunities.

The majority of these women had difficulty in obtaining the death certificates of their family members who were killed during the war, and therefore have lost entitlement to their husbands' properties. Female-headed households that own land also face specific problems as those women lack basic knowledge on land ownership and are unable to acquire titles to their land. Gender-insensitive policies on land administration have also negatively affected women.

Within the Tamil and Muslim communities, owing to the dowry system, land and houses have traditionally been in women's names. But developmental agencies and government officials tend to ask for the names of the male heads of households when registering new land and houses. Because of this practice, the land allocation for resettlement has badly harmed women's right to land and property. And despite the recognition and acceptance of women's rights to land and property, the male domination and reliance on men to decide on issues related to land are prevalent in many parts of the country.

Meanwhile, in the post-war context, the lack of access to adequate housing and the resulting consequences for women-headed households are often highlighted, and various measures have been taken to help them. With the introduction of new initiatives and empowerment of existing groups, women are slowly starting to realize their rights over land and property.

Poor rural women need legal assistance to ensure their property ownership. They should be enlightened how to use their land and property in a productive manner. By securing women's rights to land and property, many women who live in poor rural communities will benefit and enjoy equal rights with men.