

Erin Mooney, *LIBERIA and the Implications of Women's Inheritance Rights for IDP Return and Reintegration: Findings and Recommendations from Mission in April-May 2004*, (2004).

Restrictions on women's ability to inherit land and property impede reintegration, in particular for widowed refugee and IDP women returning to their areas of origin. In Liberia, a woman's right to inherit land and property from her deceased husband had long been reserved only for those women who had been married in a civil law ceremony. Inheritance rights were therefore denied to women from "customary marriages" performed according to tribal traditions; these women also were not entitled to access land without permission from their deceased husband's family. This discriminatory provision had previously drawn the concern of the Special Rapporteur on Violence against Women and local women's groups were active in advocating for its repeal. Indeed, the provision was out of step not only with international human rights instruments but also with the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa adopted by the African Union in July 2003.¹

In an important development, an amendment to the law was passed in October 2003 that established equal inheritance rights for widowed women of customary as well as statutory marriages.² This legislative reform marked a significant victory for women's rights in Liberia and is to be commended. As Liberian women groups were quick to point out, however, the successful adoption of the amendment is only the first step. Critical now is to ensure awareness of this important development, so that women are aware of their rights and in fact able to access land and property. Programs are needed to raise awareness of this law, in particular among IDP and refugee women, most of whom are from rural areas where traditional marriages are most common, and among their communities. Special dissemination efforts, such as through radio programming and drama, will be needed to reach the large numbers of women who cannot read, and to reach women in IDP and refugee camps. Civil society, in particular local women's groups, should be supported to undertake such dissemination and awareness-raising efforts and to monitor implementation of the law. Moreover, enabling legislation still needs to be developed.

Finally, although the amendment ends the difference in the enjoyment of property rights between those women married under civil law and those under customary law, close reading of the law indicates that widowed women are still not accorded full inheritance rights in Liberia. Upon the husband's death, the widow or multiple widows are entitled to only one-third of their late husband's property, the balance of which shall go to his

¹ Article 21 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, adopted by the African Union, 11 July 2003, specifies that "[a] widow shall have the right to an equitable share in the inheritance of the property of her husband." To come into force, the Protocol requires ratification by at countries. Liberia signed the Protocol on 16 December 2003, but has yet to ratify it.

² *An Act to Govern the Devolution of Estates and Establish Rights of Inheritance for Spouses of Both Statutory and Customary Marriages* (7 October 2003). Published by the Ministry of Foreign Affairs (Monrovia, Liberia: 1 December 2003).

children. Further, should the widow remarry, she loses these rights to remain on the property of her late husband and administer his estate, and the inherited property must return to the heirs or children of the deceased husband.³ These provisions suggest that further revision of the law still is needed to ensure full protection of women's inheritance rights in Liberia.

³ Ibid., Section 3.2 and 3.3.