



LEARNING ABOUT **5** **a.2** INDICATOR

SDG Indicator 5.a.2 – Ensuring women’s legal rights to land ownership and/or control

Lesson: Introduction

Text-only version

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Food and Agriculture
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working for Zero Hunger

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Introduction

This lesson provides an overview of SDG Target 5.a and relevant indicators. It provides a general description of Indicator 5.a.2: what it measures, why it is important. It also introduces the reporting process for the indicator.

Learning objectives

At the end of this lesson, you will be able to:

- understand the importance and rationale of Target 5.a;
- understand how Target 5.a is monitored;
- explain Indicator 5.a.2 and its linkages with Indicator 5.a.1;
- describe the reporting process for the indicator.

Goal 5 and its targets

Goal 5 aims to achieve gender equality and empower all women and girls.

Goal 5, known as the stand-alone gender goal, refers to countries' commitment to end discrimination across the spectrum. Goal 5 looks at gender equality from many perspectives and takes into consideration a **plurality of dimensions**. It is broken down into **nine different targets**. This course is concerned with:

Target 5.1	End all forms of discrimination against all women and girls everywhere.
Target 5.2	Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.
Target 5.3	Eliminate all harmful practices , such as child, early and forced marriage and female genital mutilation.
Target 5.4	Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family, as nationally appropriate.
Target 5.5	Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.

Target 5.6	Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences.
Target 5.a	Undertake reforms to give women equal rights to economic resources , as well as access to ownership and control over land and other forms of property , financial services, inheritance and natural resources, in accordance with national laws. FAO is the custodian agency for the indicators of this target.
Target 5.b	Enhance the use of enabling technology, in particular information and communications technology , to promote the empowerment of women.
Target 5.c	Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.

Target 5.a

Why is Target 5.a important?

Equality between women and men in access to resources across the board is a human right.

Discrimination based on sex is prohibited under all the major human rights treaties, which enshrine the rights to equality between men and women in the enjoyment of all rights.

The **Convention on the Elimination of Discrimination Against Women (CEDAW)**, known as the bill of rights for women, emphasizes that discrimination against women "violates the principles of equality of rights and respect for human dignity".

Non-Discrimination and gender equality in the Convention on the Elimination of Discrimination Against Women

Art 1. of the Convention on the Elimination of Discrimination Against Women (CEDAW) states that "for the purposes of the present Convention, **the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex** which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field".

Art 3. states that "**States Parties shall** take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to **ensure the full development and advancement of women**, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men".

The **International Covenant on Economic, Social and Cultural Rights** includes three articles on gender equality.

International Covenant on Economic, Social and Cultural Rights

Gender equality in the International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights (ICCPR) guarantees in **article 3, equality between women and men**, and **prohibits discrimination based on sex** in **article 2**.

Article 26 of the treaty **enshrines equality before the law**, and can be applied to defend women's right to non-discrimination and equality in the legal framework, not only with respect to civil and political rights, but also with regards to economic and social rights.

Long-lasting gender **inequalities in the distribution of economic and financial resources** have positioned women at a disadvantage relative to men in their ability to participate in, contribute to and benefit from broader processes of development. While some evidence from different countries and across all regions suggests that **women** farmers, entrepreneurs and workers are **less productive than men**, numerous studies demonstrate that women are as productive as men when given access to the same productive resources and services.

Greater **gender equality in the distribution of economic resources contributes to economic efficiency**, and has positive multiplier effects for the **achievement of** a range of other key **development outcomes**:

- | | |
|----------------------------|---|
| Poverty reduction → | Greater gender equality in asset ownership contributes to poverty reduction through increased productivity and increased participation in income generating activities . For example, In Ghana, evidence found that higher tenure security for women reduces productivity losses. |
| Food security → | The available evidence shows that greater gender equality in asset ownership is associated with greater food security. For instance in |

Nepal, mothers who own land are **less likely to have malnourished children**.

Increased welfare of households, communities and countries → Greater gender equality in asset ownership contributes to increased welfare. For example it has been shown that mothers' ownership of assets is related to:

- increased educational attainment** of daughters (in Ethiopia) and of sons (in Indonesia);
- better health outcomes** for girls (in Bangladesh).

How to measure progress under Target 5.a

The overarching and broad nature of Target 5.a required the definition of indicators that only address part of the target. The **two indicators** monitoring achievements under this target **focus on ownership and/or control over land**. We will talk about these indicators later. Now, let us see why they focus on land.

The focus on land reflects the recognition that land is a key economic resource inextricably linked with access to, use of and control over other economic and productive resources.

- It is a key input for agricultural production.
- It can be used as collateral to access financial resources and extension services, or to join producer organisations.
- It can generate income directly, if rented or sold.



Ownership¹ of and/or control over land² is critical for poverty reduction, food security, inclusiveness and overall sustainable development objectives, in both rural and urban settings.

¹ **Land ownership:** It is a legally recognized right to acquire, use and transfer land. In private property systems, this is a right akin to a freehold tenure. In systems where land is owned by the state, the term land ownership refers to possession of the rights most akin to ownership in a private property system - for instance, long-term leases, occupancy, tenancy or use rights granted by the state, often for several decades, and that are transferable.

² **Control over land:** It is the ability to make decisions over land. This may include rights to make decisions about how the land should be used, including what crops should be planted, and rights to benefit financially from the sale of crops.

Why a focus on land to monitor progress under Target 5.a?

Secure ownership and control over land has a strong empowering effect on women. It can:

- ➡ guarantee their economic security and avoid their falling into poverty;
- ➡ reduce their reliance on male partners and relatives;
- ➡ increase their bargaining power within the household;
- ➡ improve their chances of accessing extension services and credit;
- ➡ encourage women to undertake or expand their business investments, and, in rural areas, to join producer organisations.

Despite the clear benefits of gender equality in land ownership and control, deep **gender inequalities persist across all regions**, though data are still limited.

Agricultural Census data disseminated through the [FAO Gender and Land Rights Database](http://www.fao.org/gender-landrights-database/en/) www.fao.org/gender-landrights-database/en/ and the [World Programme for the Census of Agriculture](http://www.fao.org/world-census-agriculture/en/) www.fao.org/world-census-agriculture/en/ reveal that **female agricultural holders**³ are significantly **fewer than male** agricultural holders, in all countries for which information is available.

Statistics of agricultural holdings⁴

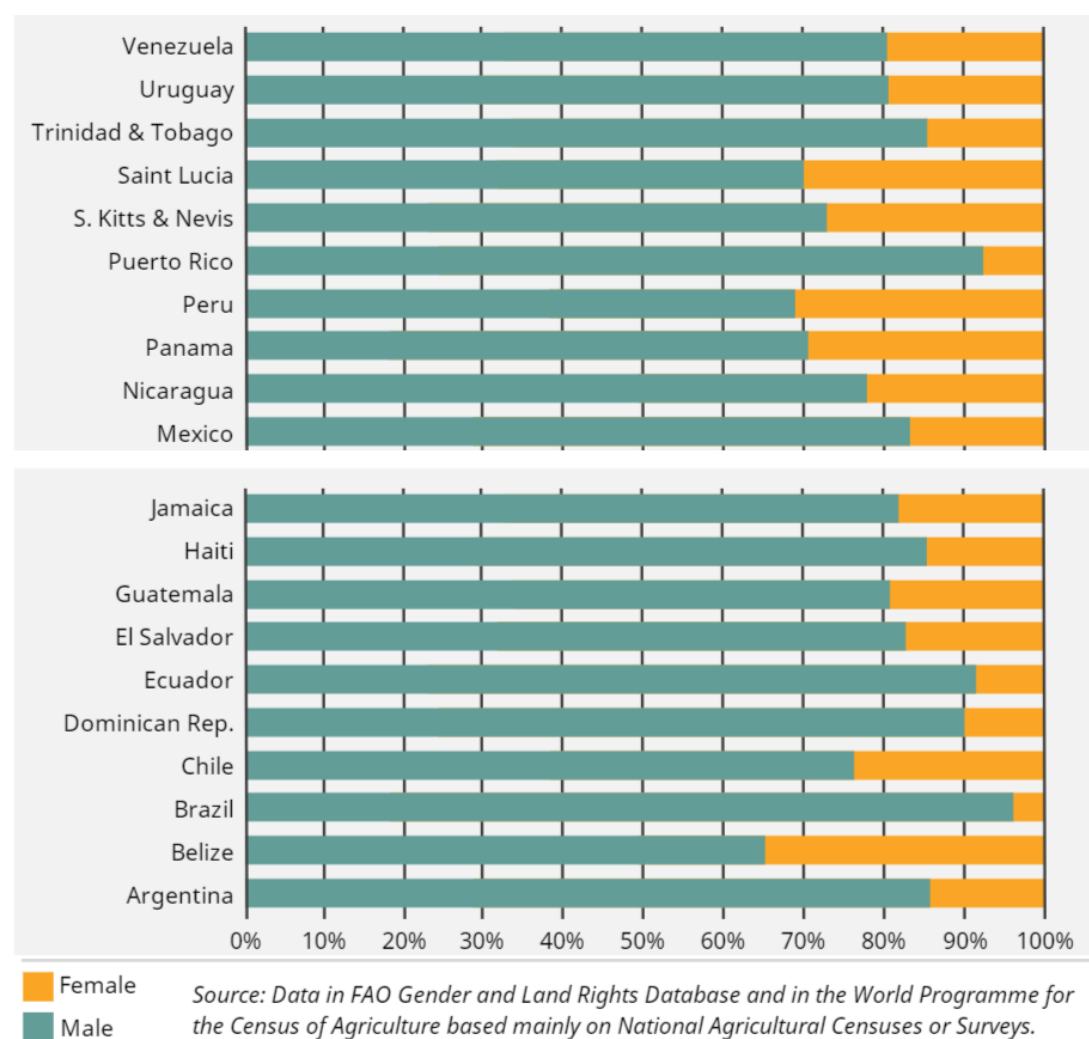
³ **Agricultural holder:** It is defined as the civil person, group of civil persons or juridical persons who makes the major decisions regarding the resource use, and exercises management control over the agricultural holding operation. The agricultural holder has technical and economical responsibility for the holding, and may undertake all responsibilities directly, or delegate responsibilities related to day to day work management to a hired manager.

⁴ **Agricultural holding:** It is an economic unit of agricultural production under single management comprising all livestock kept and all land used, wholly or partly for agricultural production purposes, without regard to title, legal form or size. [...] The holding's land may consist of one or more parcels, located in one or more separate areas, or in one or more territorial or administrative divisions, providing the parcels share the same production means, such as labour, farm buildings, machinery or draught animals.

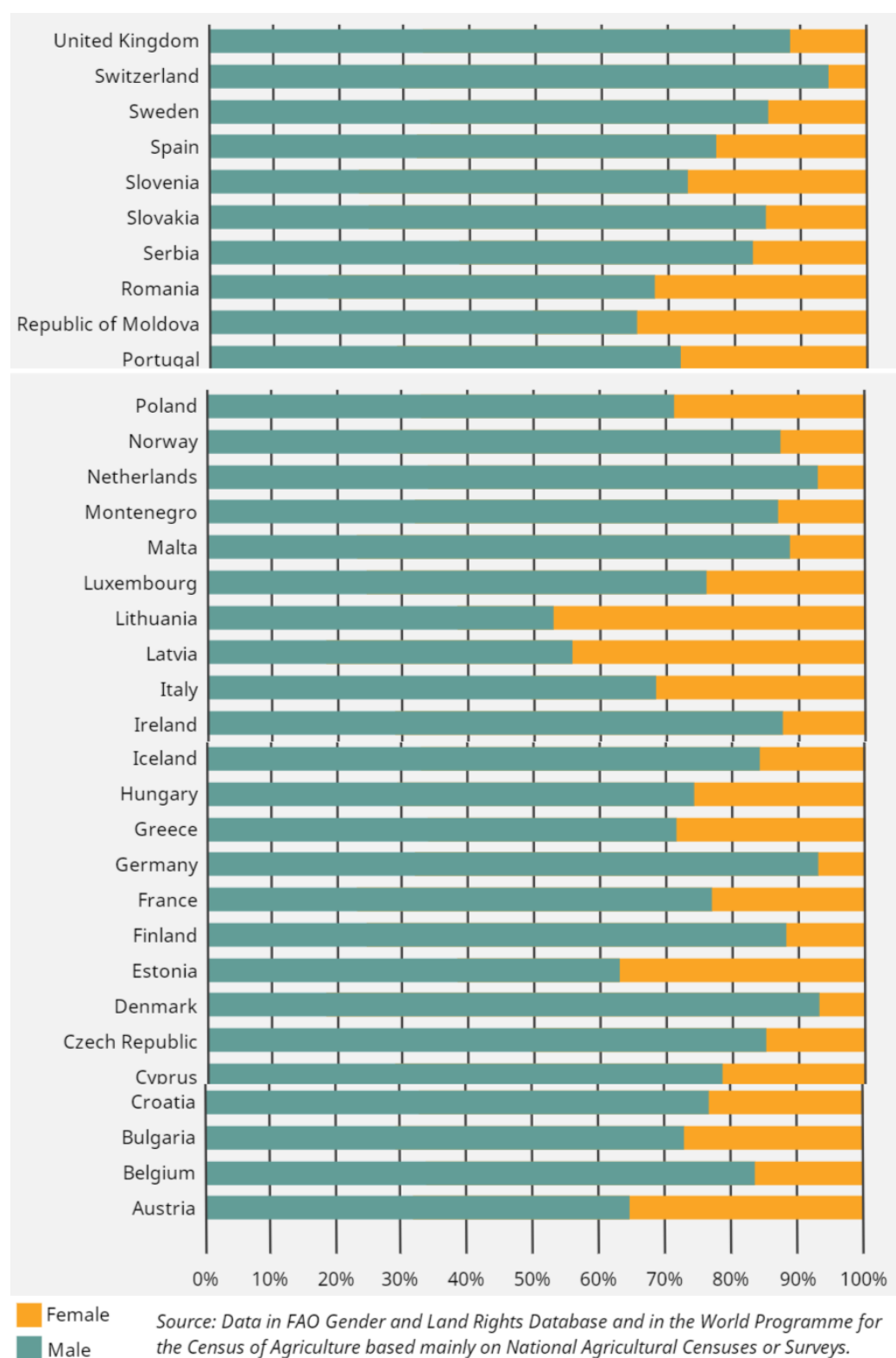
Distribution of agricultural holders by sex – North America



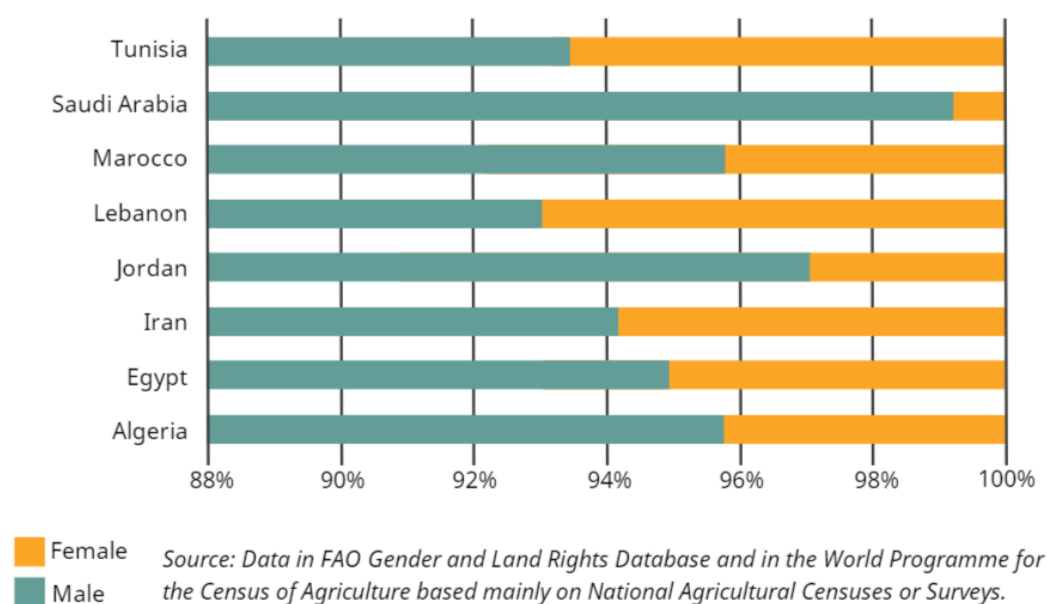
Distribution of agricultural holders by sex – Latin America and the Caribbean



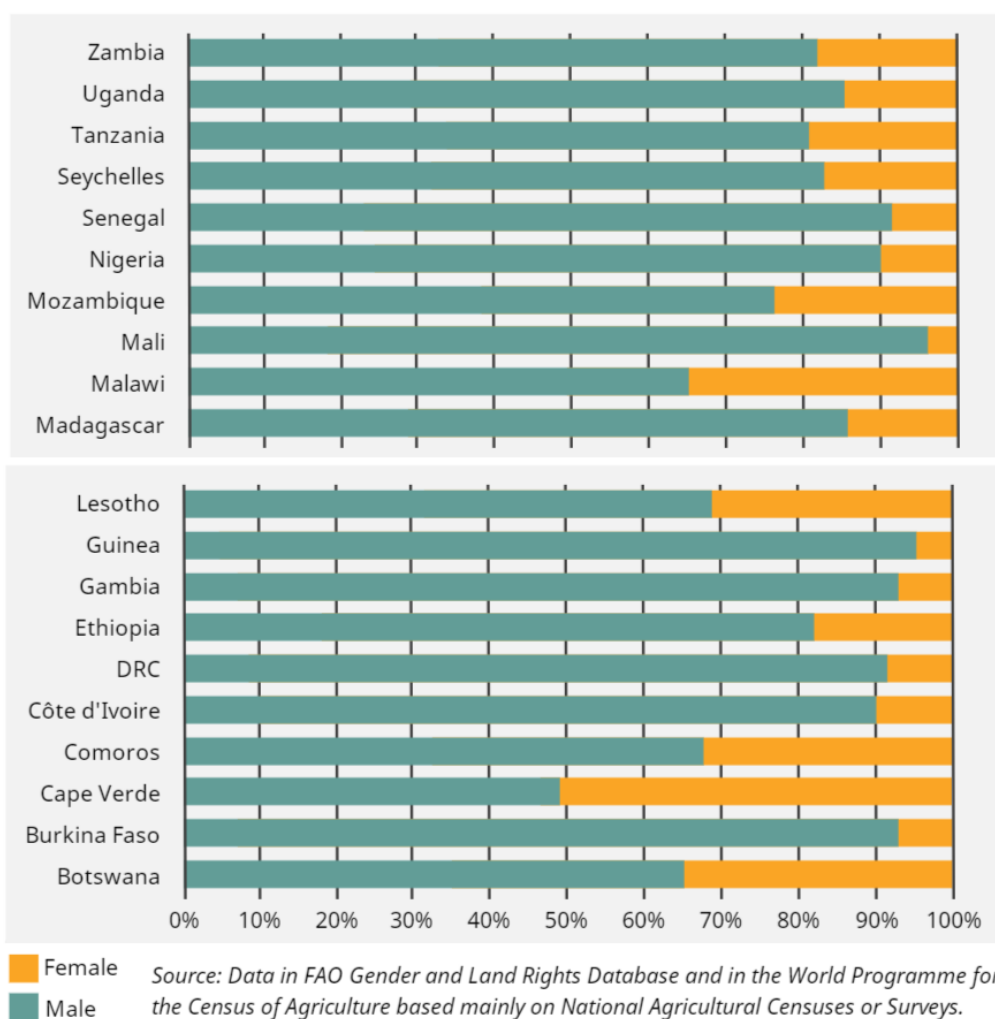
Distribution of agricultural holders by sex – Europe



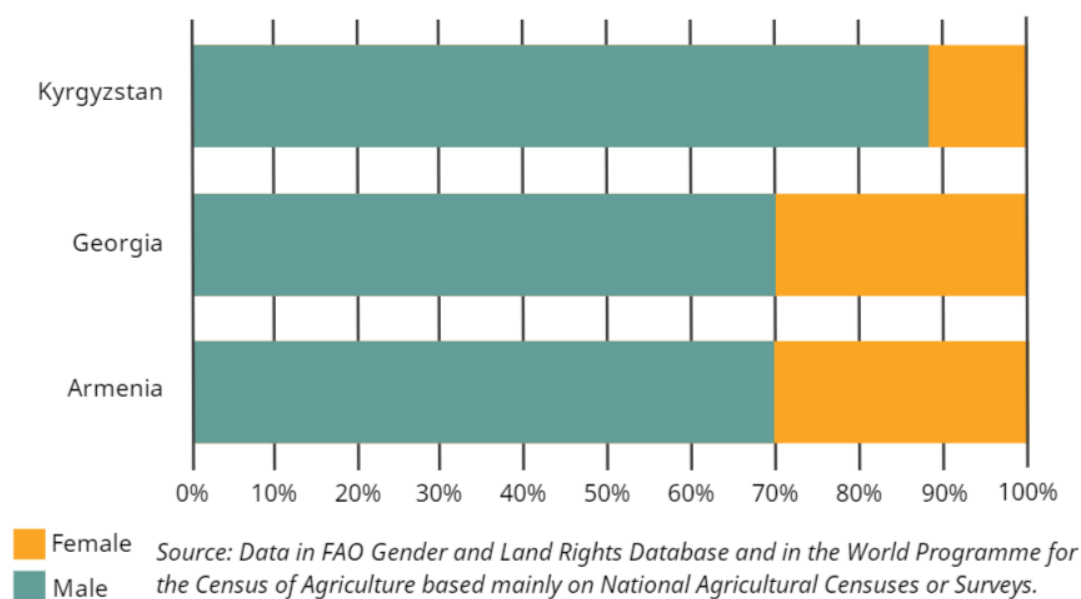
Distribution of agricultural holders by sex – Middle East and North Africa



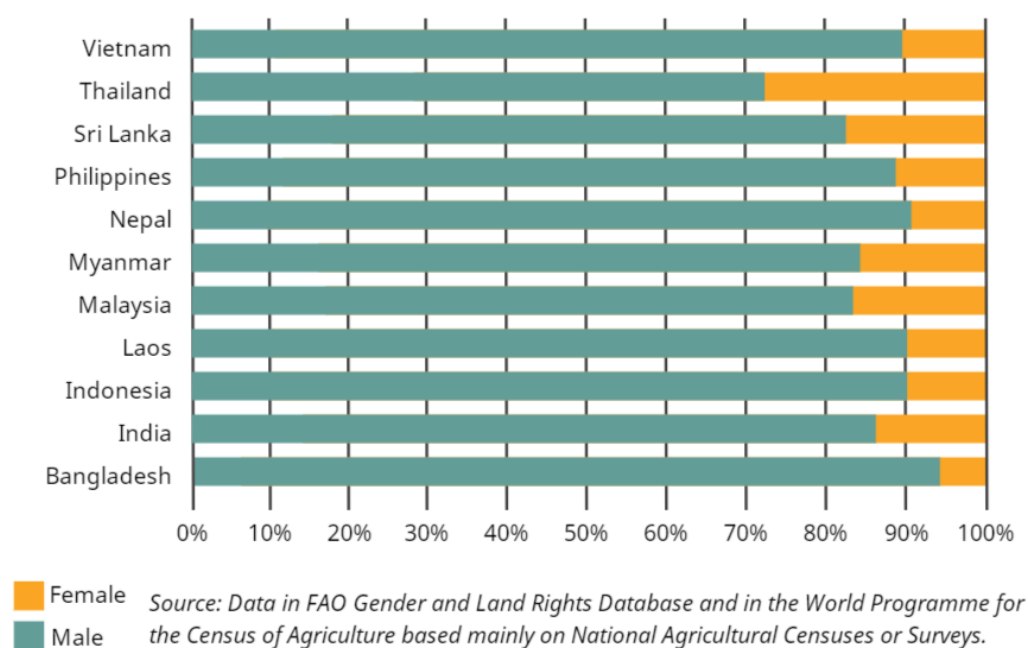
Distribution of agricultural holders by sex – Sub-Saharan Africa



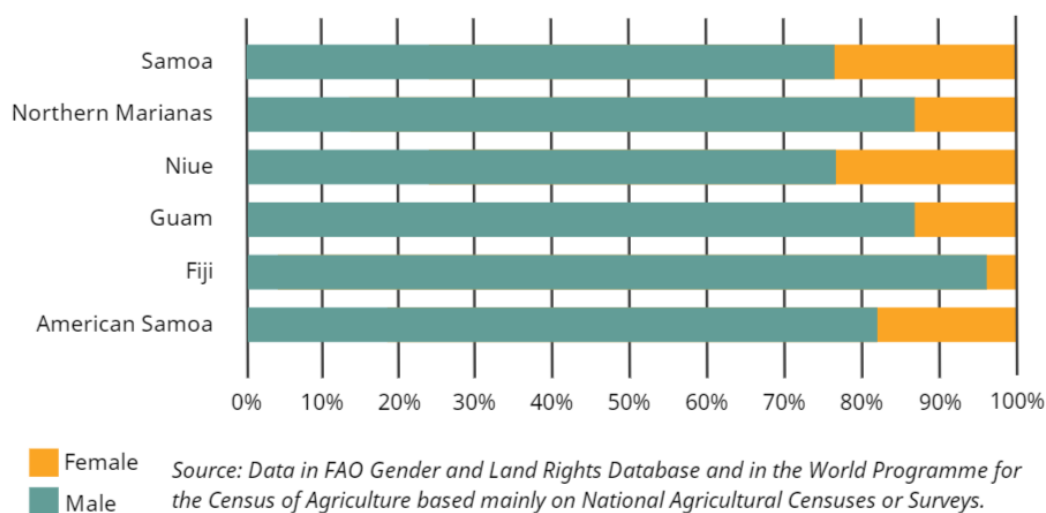
Distribution of agricultural holders by sex – Central Asia



Distribution of agricultural holders by sex –Asia



Distribution of agricultural holders by sex –Oceania



...Moreover, when it comes to ownership or tenure security over agricultural land, **statistics are very scarce**. In those countries where data are available, statistics show that women are less likely to own agricultural land than men.

Land ownership by sex



The two Target 5.a indicators

As mentioned before, progress under Target 5.a is monitored through **two land indicators** that focus on ownership and/or control over land. While the first one focuses on land related statistics, the second is a legal indicator.

Indicator 5.a.1 is divided into 2 parts

- Percentage of **people with ownership or secure rights** over agricultural land (out of total agricultural population), by sex;
- Share of **women among owners or rights-bearers** of agricultural land, by type of tenure.

This is an *output* indicator, in that it **examines the actual situation** in a given country in terms of women and men's land rights and tenure security, with a focus on agricultural land

Indicator 5.a.2

Percentage of countries where the **legal framework** (including customary law) **guarantees women's equal rights** to land ownership and/or control.

This is a *process* indicator, in that it **monitors reforms in the legal and policy framework**⁵ that promote women's land rights.

Why Indicators 5.a.1 and 5.a.2 are closely interrelated


Data collected under **Indicator 5.a.1** form the **basis for assessing** whether any **adjustment to** the countries' **legal framework** designed to guarantee women's equal rights to land ownership and/or control **is needed**, particularly as it pertains to supporting women's ownership and/or control of agricultural land.


The type of adjustments to the countries' legal framework on women's equal rights to land should be determined using the evidence provided by statistical data. On the other hand, an **analysis of the legal framework, through Indicator 5.a.2**, helps to identify causes and bottlenecks of gender disparities in control over land, thereby **supporting the interpretation of** the data collected under **Indicator 5.a.1**.


⁵ **Legal and policy framework:** The Constitution, policy, primary legislation and secondary legislation. The legal and policy framework includes customary legal systems where they have been recognized by statutory law..

Indicator 5.a.2

We will follow the discussion between Abena, a legal expert on gender and land, and James, the head of the Ministry of Land, which was designated as the responsible institution for reporting on this indicator.

 “We need to assess the extent to which our policy and legal framework guarantees women’s ownership and/or control over land to report under Indicator 5.a.2. Our constitution says that women and men have equal rights, and that discrimination on the basis of sex is prohibited.” – James

“Yes, sure. But we should consider that women’s rights are determined by a complex system of rules, so we have to analyse multiple policies and laws. We need to consider not only land laws, but also family and inheritance laws, marriage laws and civil codes. For example, according to our laws, **spousal consent**⁶ is not required for all types of land transactions. Because of prevailing gender inequalities in our society, this in practice means that men can sell or lease the family land without consulting their wives.” – Abena 

 “I see. This means that land rights for many women are not protected! We must therefore assess all relevant laws to understand what reforms need to be adopted to eliminate, directly or indirectly, all the discriminatory norms that perpetuate gender inequality in land rights.” – James

Abena highlights the absence of provisions in the laws requiring the consent of the spouse for major land transactions as one of the factors hindering women’s land rights. This, and other key constraints that women face in ensuring the protection and security of their land rights, has been taken into account to identify **six proxies to assess progress under Indicator 5.a.2**.

⁶ **Spousal consent:** The requirement that the other spouse or partner (in an unmarried couple) agrees to the land transaction prior to the land transaction taking place.

INDICATOR

5.a.2

Percentage of countries where **the legal framework** (including customary law) **guarantees women's equal rights to land** ownership and/or control.

- **Proxy A:** Is the **joint registration**⁷ of land compulsory or encouraged through economic incentives?
- **Proxy B:** Does the legal and policy framework require spousal consent for **land transactions**⁸?
- **Proxy C:** Does the legal and policy framework support women's and girls' equal **inheritance**⁹ rights?
- **Proxy D:** Does the legal and policy framework provide for the allocation of financial resources to increase women's ownership and control over land?
- **Proxy E:** In legal systems that recognize **customary land tenure**¹⁰, does the legal and policy framework explicitly protect the land rights of women?
- **Proxy F:** Does the legal and policy framework mandate women's participation in land management and administration institutions?

Collectively, the six proxies **track progress on measures** included in national legal frameworks to **enable *de facto* gender equality in ownership and control over land**.

FAO's Legal Assessment Tool and Indicator 5.a.2

Indicator 5.a.2 builds on FAO's [Legal Assessment Tool \(LAT\) for gender-equitable land tenure](http://www.fao.org/gender-landrights-database/legislation-assessment-tool/en/) www.fao.org/gender-landrights-database/legislation-assessment-tool/en/. The LAT involves **assessing** the extent to which a **country's policy and legal framework supports gender equitable**

⁷ **Joint registration:** Where the names of both spouses, or both partners in an unmarried couple, are entered into the land registry as the owners or principal users of the land being registered. Joint registration signifies a form of shared tenure over the land – usually either a joint tenancy/occupancy or a tenancy in common. In legal systems that include a framework for land titling, joint registration is commonly referred to as joint titling.

⁸ **Land transactions:** Major land transactions, specifically the sale and encumbrance (mortgage) of land.

⁹ **Inheritance:** Property passing at the owner's death to the heir or those entitled to succeed.

¹⁰ **Customary land tenure:** The bodies of rules and institutions governing the way that land and natural resources are held, managed, used and transacted within customary legal systems.

land tenure arrangements, by testing that framework against **26 indicators** drawn from international consensus, in particular CEDAW, and internationally accepted good practice.

Criteria used in the selection of proxies for Indicator 5.a.2

Table 1 below provides a condensed overview of **the basis upon which the six proxies were selected**:

Proxy	Category of women's land rights covered by the proxy	Enjoys universal or significant relevance or feasibility?	Tackles principal constraints women face in accessing land ownership and/or control?
A	Rights held in marriage or intimate relationships (shared tenure) Right to land when the marital home changes (divorce or abandonment)	Universal	<ul style="list-style-type: none"> • social constraints that prevent women from requesting joint registration • uncooperative registries or conflicting laws that undermine principles of joint ownership and preference head of household or male ownership • the financial and social barriers that impede the claiming of statutory co-ownership rights in court
B	(Management) Rights over land in marriage/intimate relationships	Universal	<ul style="list-style-type: none"> • inequality in the management of household assets, with the consequent risk of dispossession or abandonment
C	Right to receive land through inheritance	Universal	<ul style="list-style-type: none"> • customary or cultural practices that deny women's right to inherit on an equal basis with men or widows' rights to continue to remain on land after the death of her husband

D	Right to purchase land	Universal	<ul style="list-style-type: none"> • lack of resources to implement gender-equitable laws and policies; • financial barriers women may face in entering land market
E	Cross-cutting	Relevant to a significant number of countries	<ul style="list-style-type: none"> • legal pluralism impacting on the implementation and/or security of women's access to statutory or customary land rights
F	Land governance	Universal	<ul style="list-style-type: none"> • dominance of men in the management and administration of land undermining gender sensitivity of land laws

Reporting process under Indicator 5.a.2

Step 1: identification of a responsible national entity

Ministries or institutions responsible for land related matters or gender issues would be in an **ideal** position to act as a **national entity** for monitoring and reporting on Indicator 5.a.2. These include for example the Ministry of Land, the national institution governing land matters, the Gender Equality Commissions, or the Women's Affairs or Gender Ministries. Alternatively, a national institution with responsibility for upholding the rule of law such as the national Ministry of Justice or Humans Right Commission would be also appropriate.

Step 2: identification of a national legal expert

The **national legal expert** should be able to demonstrate **knowledge and experience in issues related to property rights** in his or her country, and be able to locate relevant policy and legal material pertaining to land and property rights.

Step 3: expert assessment of the policy and legal framework

The **assessment** under Indicator 5.a.2 should take place **every two years**.

The national legal expert should identify where in the legal and policy framework, if at all, each proxy is found, citing the relevant provision(s) and **referencing** the legal or policy instrument/documents (i.e land law, inheritance law, gender policy etc.) **in an electronic survey**.

The expert should compute the overall results after assessing each proxy.

The **three forms** contained in the electronic survey are as follows:

- **Form 1 "Checklist of policy and legal instruments"**. This form provides a checklist of the relevant policy and legal instruments for each proxy.
- **Form 2 "List of policy and legal instruments for reporting under Indicator 5.a.2"**. This form is where the details of instruments containing the proxy are provided and relevant provisions cited.
- **Form 3 "Questionnaire on Indicator 5.a.2"**. This form summarizes the results of the assessment for each proxy.

Step 4: Validation of the results by the responsible entity

The **results** of the assessment and the computing will be **checked and validated by the responsible entity**, prior to communication to FAO. It is recommended that this is a transparent process, open to the participation of civil society and a cross-section of government institutions. Results must be communicated in English, Spanish or French.

Step 5: Communication of the results to FAO

After checking and validating the results, the responsible entity communicates them to FAO.

Step 6: FAO Quality check and submission to UN SDGs Secretariat

FAO will undertake a **quality check of the results** submitted, and revert to the national responsible institution in case clarifications or revisions are needed.

FAO will seek final confirmation before **compiling all the national results and reporting** progress on the indicator at the global level **to the UN SDGs Secretariat**.

Summary

Target 5.a of the SDGs is designed to track progress on reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources.

The overarching and broad nature of this target required the definition of indicators that only address part of it. The two indicators monitoring achievements under Target 5.a focus on ownership and/or control over land.

This lesson has introduced Indicator 5.a.1, which monitors agricultural land ownership by tenure type, disaggregated by sex, and Indicator 5.a.2, which monitors reforms in the legal and policy framework that promotes women's land rights.

Six proxies tackling the major constraints that women face in owning and controlling land were identified to assess progress under Indicator 5.a.2, given that the indicator is not directly measurable.

The reporting process for this indicator can be summarized through five main steps.