

Gender and Land Rights

Understanding Complexities; Adjusting Policies

Increasing women's access to land is crucial to fight hunger and poverty. However, gender disparities in land access remain significant in most countries, regardless of their level of development. A new FAO database helps to understand the factors that prevent women from accessing land; and to design better policies to effectively address this situation.

- Gender disparities in land access remain significant around the world
- Women's constitutional rights are frequently jeopardized by conflicting laws or long-standing traditional practices
- An integrated policy approach is needed

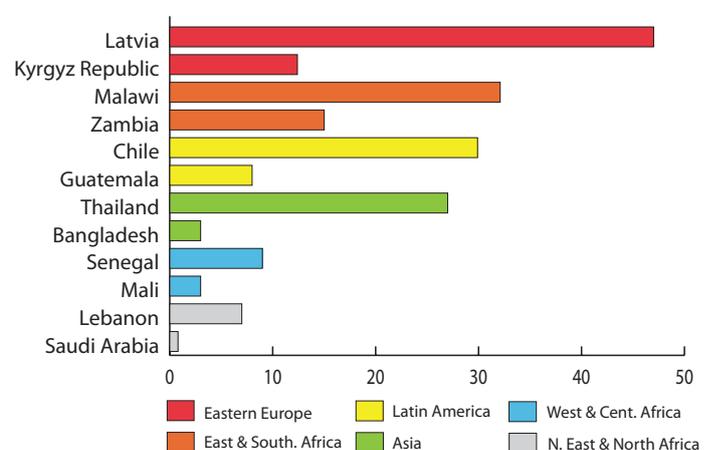
across countries with different social, cultural and economic backgrounds. Indeed, differences are often greater within regions than between them (Figure 1).

Land - essential for rural livelihoods

Land provides rural households the basic means for subsistence and market production. It offers a secure base on which to shelter and nurture families and develop livelihood strategies. Even in countries where rural income has become less dependent on agriculture, land continues to be an essential resource for rural populations.

The 2006-2008 food price crisis evidenced the social and economic costs of women's low access to land, which translated into disproportionately greater welfare losses of female-headed households. The negative effect on national food security was particularly large as these households tend to spend a greater share of their income on food.

Figure 1: Percentage of ag. land titles held by women (highest and lowest rate in selected regions)



Source: FAO Gender and Land Rights Database.

Widespread disparities

Gender inequalities in land rights are pervasive. Not only do women have lower access to land than men. They are often also restricted to so-called secondary land rights, meaning that they hold these rights through male family members. Women thus risk losing entitlements in case of divorce, widowhood or their husband's migration. Evidence also shows that women's parcels are generally of smaller size and lower quality.

An international comparison of agricultural census data shows that less than 20% of landholders are women. The situation is particularly grim in Western and Central Africa as well as the Near East and North Africa where generally less than 10% of landholders are women. Numbers are only slightly higher in Asia. In Eastern and Southern Africa and in parts of Latin America, women seem to have somewhat better access to land. In some countries up to 30% of individual land titles are held by women.

Only in a few countries land is almost equally divided between women and men. Latvia and Lithuania top the list with more than 45% of land titles being held by women. Women's low access to land thus prevails

Insufficient enforcement and advocacy

Since the 1990s, several land distribution and titling programmes have tried to increase women's access to land. However, looking at available data the success of these initiatives has been limited.

In Vietnam, starting in 1998, the government awarded long-term use rights to households that had previously farmed the land as part of collectives. As few women headed their households, 90% of certificates went to men. Even when legal provisions for gender equality in land rights had been defined, these did not guarantee the success of the programmes. In many cases, gender-sensitive land policies failed due to missing or insufficient enforcement mechanisms. The 1994 South African Land Reform, the 1988 Comprehensive Agrarian Reform Programme in the Philippines, and the 1994 Land Titling Programme in Laos all experienced difficulties in this regard.

Effective enforcement is thus a necessary condition for the success of a programme. However, enforcement needs to be coupled with broader efforts to increase

the support of reforms, for example by raising awareness among the population and targeting specific stakeholders such as village chiefs. Indeed, a mix of these measures helped to remedy shortcomings of the Laos reform programme.

Contradictory legal provisions

Inheritance and marriage are still the most common ways in which women can acquire access to land. However, a number of countries still have dispositions in their national Civil Codes, Family Codes and Labour Codes that discriminate against women, regardless of equality provisions in the Constitution.

In some African countries the Constitution prohibits gender discrimination, but recognizes exceptions in issues relating to marriage, divorce and inheritance where customary law is applied. Contradictions also exist in many Asian countries, especially those where the population belongs to different ethnic and religious groups. In populations that apply Hindu Personal Law, for example, married daughters without male offspring cannot inherit.

In Latin America, legal provisions to recognize gender equality in land rights have been in place for more than 30 years. Yet, socio-cultural traditions continue to influence the way in which the law is interpreted and applied. In many countries women have experienced difficulties in jointly registering land with their husbands. Although the law recognizes joint registration, the language of the legislation, the procedures and sometimes even the registration form—which in one case was missing an extra line for the second owner—often determined the adjudication of land to men.

Improving gender equality effectively

Policy makers need to address the multiple layers that impede gender equality in land rights. The new *FAO Gender and Land Rights Database* helps to better understand the social, economic, political and cultural dimensions of women's access to land, which is crucial to design better policies. Following considerations seem key:

Inclusiveness

Women's access to land can be increased if the gender dimension is considered in the early stages of a reform programme. Involving a large range of stakeholders can secure the necessary level of support. Sensitizing land administration officers, informing the public and mobilizing civil society organizations all promise to facilitate the reform process. Improving the production and availability of sex disaggregated data is an important step in this regard.

Complexity

Land rights are governed by different nested, and often contradictory or ambiguous laws and legal provisions. Policy makers need to recognize that legal pluralism creates complexities in land reforms and administrations as well as discrepancies between constitutional, statutory and customary law. These need to be addressed if women's rights to land are to be protected and access improved.

Comprehensiveness

Improving women's education, their knowledge of legal matters and their voice can contribute to raising women's access to land. Another strategy is to increase women's representation within land administration institutions, such as titling and registration agencies as well as village councils. Sensitizing land courts, the media and decentralized government authorities about the importance of women's land rights will be equally important. Affirmative action may be required to counteract the effect of discriminatory social norms and practices.

Ensuring sustainable results

Increasing women's access to land can be a powerful tool to fight poverty and hunger. However, supporting measures need to ensure that women also have the capacities to effectively use the land. Efforts to improve access to other resources, such as financial, technological and extension services as well as markets are therefore important complements to any reform programme.

Policy action is urgently needed, especially considering that gender disparities in land access are unlikely to disappear within the existing legal, institutional, social and cultural framework and under current economic trends. In fact, the commercialization of agriculture risks excluding women further as it reinforces land tenure concentration, which usually favours male heads of larger farm households.

Further information

- **FAO Gender and Land Rights Database:**
www.fao.org/gender/landrights

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