



**Commission on the Status of Women
Sixty-second Session**

**Challenges and opportunities in achieving gender equality and the
empowerment of rural women and girls**

INTERACTIVE EXPERT PANEL

**The role of rural women's land rights and land tenure
security in reaching the SDGs**

**Improving Access to Women's Land Rights Data for
Policy Decisions:
Lessons Learnt and Opportunities linked to SDGs**

by

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Abstract

Gender disparities in poverty are rooted in inequalities in access to economic resources including security of tenure rights in rural and urban context. Literature shows that in many countries women have weaker land rights, including inheritance rights, compared to men. Women are not a homogeneous group and hence inequality around women's land rights is also affected by women's ethnicity, marital status, age, rural/urban residence, and other factors. Inequality in women's land rights is perpetuated by many factors including plural and contradicting tenure regimes (statutory and customary laws). In most developing countries, laws do not guarantee the same inheritance rights for women and men, while most customary law on tenure discriminate against women who are subjected to intra-household power relations with spouses and or family members. However, most tenure security initiatives are not designed and resourced to produce reliable, quality, timely and regular sex disaggregated data and statistics needed to monitor and track progress on the real situation of women's land rights at country, regional and global scale.

Introduction

Most governments have increasingly shown interest and commitment to improve land governance, though the intended objectives are wide-ranging. Governments have adopted several regional and global frameworks including the Africa Union Framework and Guidelines on Land Policy in Africa; global Voluntary Guidelines on Responsible Governance on Tenure of Land, Forests and Fisheries (VGGT); Responsible Agriculture Investment (RAI), AU-Large Scale Land Based Investment (LSLBI), Sustainable Development Goal and the New Urban Agenda (NUA as voluntary guidelines on responsible land governance; advancing the importance of social and economic rights for women. The importance of gender equality in achieving sustainable development has been increasingly recognised by international commitments, starting in 1979, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted by the United Nations (UN) General Assembly to provide for the advancement of non-discrimination and rights through the obligations of governments to promote, protect and fulfil the equal rights of women and men. In 1995, the Beijing Declaration and Platform for Action called for full and equal participation by women and men as agents and beneficiaries of sustainable development. The three Rio Conventions on biodiversity, desertification and climate change that resulted from UNCED address gender concerns in varying ways. For example, the Preamble to the Convention on Biological Diversity (CBD) recognizes the vital role women play in the conservation and sustainable use of biodiversity. International NGOs, CSOs, and UN Agencies persistently call on governments, private sector and donors to do more to enhance women's land rights in policy and practice, and call for evidence on progress.

Gender equality plays a critical role in all the Global Goals, and many of their targets specifically recognize women's equality and empowerment as both the objective, as well as part of the solution. Achieving gender equality and the empowerment of all women and girls (Goal 5) in rural areas around the globe is clearly linked to all other Goals and targets, including ending poverty in all its forms (Goal 1), eradicating hunger, achieving food security, improving nutrition and promoting sustainable agriculture (Goal 2), achieving full and productive employment and decent work for all (Goal 8) and acting to combat climate change (Goal 13). Such rights include the right to land and land tenure security; to food and nutrition of adequate quality and quantity; to live a life free of all forms of violence, discrimination and harmful practices; to the highest attainable standard of health, including sexual and reproductive health and rights; and to quality, affordable and accessible education throughout the life cycle. Global Goal 5, however, is a stand-alone Goal focusing on gender, and is dedicated to achieving these ends. Specifically, it calls to end discrimination and gender-based violence; eliminate child marriage; eradicate female genital

mutilation; ensure access to sexual and reproductive health care; protect women and girls' reproductive rights; eliminate gender disparities in education; expand women's economic opportunities; recognize women's rights to resources; and reduce the burdens of unpaid care work on women and girls.

In 2005, the Millennium Ecosystem Assessment (MA) identified several important interlinkages between gender equality and ecosystem services. For example, it showed that changes in ecosystems typically yield benefits for some people, while exacting costs on others. Such costs include losing access to resources and livelihoods, or being affected by externalities associated with the change. Significant differences between the roles and rights of men and women in many societies lead to women having an increased vulnerability to such changes (MA 2005). Within many societies, the responsibility for routine care of the household often lies with women, even when they play important roles in agriculture (MA 2005). Despite widespread acknowledgement that land rights are integral to poverty reduction among rural communities, very little research directly explores the relationship between women's land rights and poverty. One reason may be the lingering assumption that women share household resources equally, and therefore it's a household's, not women's, rights to land that matters for reducing poverty.

Today, gender inequality is still considered as being one of the most pervasive threats to sustainable development. As the Global Gender and Environment Outlook (GGEO) (UNEP 2016e) notes, it has negative impacts on access to, use of, and control over a wide range of resources. It also affects our ability to meet human rights obligations with respect to having a clean, safe, healthy and sustainable environment. The drivers of environmental change affect men and women in different ways. Whether environmental change is fast and acute, or slow and chronic, it has very different impacts on women and girls, and on men and boys (UNEP 2016e). Moreover, austerity measures and public spending cuts in recent years have exacerbated gender inequalities.

Despite having a stand-alone goal, it is intended that gender considerations are integrated throughout all the Global Goals to break away from traditional 'siloes' approaches. Similarly, land rights to sustainable development is meant to feature throughout all the Global Goals, so as to achieve integration. However, the gender-land rights nexus has only recently been re-emphasized, following a gap in policy attention and research during the early 2000s. This has led to a lag in integration. Most land rights research and programming still works with undifferentiated notions of 'the household' or 'the community'. Although it is intended that both gender equality and land rights are thoroughly integrated throughout the Global Goals, only one or two of the strictly secure land rights targets actually mentions gender within its targets (Global Goal/targets 1.4 and 5a.1).

However, according to the OECD's *Social Institutions and Gender Index* (2014), women and men have equal rights to own, use and control land in only 37 per cent of the 160 countries assessed. Indeed, in more than half of the countries that do have laws guaranteeing women and men the same rights, customary, traditional and religious practices still prevent access for women. There is a well-documented gender gap in access to forest resources, with women often having less access to, and control over, forest land and resources than men (due to customary laws and social norms, for instance). With respect to biodiversity, and in terms of agrobiodiversity, global evidence notes that different roles are played by women and men. For example, women often take on roles as custodians, users and adapters of traditional knowledge, thus contributing to food security and the conservation of plants and seeds for ongoing and future production. Other research reviewed globally shows that the participation of women in local institutions that govern the use of natural

resources including land is critical for sustainable management. Indeed, the importance of women's participation in environmental decision- and policymaking including for climate change at all levels and the persistent gender inequality therein is well acknowledged.

One of the strongest messages emerging from systematic reviews of evidence on the gender-secure tenure rights nexus is the crucial need for sex-disaggregated information in the land rights realm. Research and data collection need to ‘lift the roof off the household’ in order to move beyond simple gender binaries (male-female) and reveal intra-household gender relations, assets and roles in resource utilization and decision-making. There is a strong need to improve our understanding in a systematic way about women's roles in natural resource management including land governance, conservation, environmental resilience, and to explore why women's active participation and decision-making in these areas is important. The value of qualitative information in such research should be recognized; and such information should be included in global datasets to create sex-disaggregated indicators that can effectively track the implementation of Global Goals. While both gender equality and secure tenure rights considerations are meant to be integrated throughout the Global Goals, to be able to build our understanding of the gender-secure tenure rights nexus, indicators used to monitor progress such as 1.4.1 or 5a.1 need to include granular sex-disaggregated information.

Beyond a male-female dichotomy, research is also needed on the ways in which gender interacts with other forms of difference and inequality (wealth, ethnicity, geography) in relation to secure tenure rights issues to understand precisely who is vulnerable and why.

Lack of historical and long-term data has been identified as a further impediment to gendered environmental assessments. Correlations between gender and the secure tenure rights may only become evident over long time periods. In several cases, although there appears to be causal relationships between gender and the land, available evidence and data are insufficient to demonstrate the detailed long-term and lasting impacts. The FAO's Gender and Land Rights Database (GLRD), for example, was launched in 2010 to highlight the major political, legal and cultural factors that influence the realization of women's land rights throughout the world.

SDGs Challenges and opportunities in achieving gender equality and the empowerment of rural women and girls

The empowerment of rural women and girls and the realization of their human rights and gender equality are essential to the achievement of many global goals including the 2030 Agenda for Sustainable Development and the New Urban Agenda. Many rural women and girls face several hurdles and complexities that influence their decision-making power and exercise of voice and agency and enables or constrains their access to land and productive resources, food security and nutrition and education and health services. Legal and policy reforms should strengthen rural women's and girls' land rights and land tenure security and their equitable access to productive resources and markets and encourage urban-rural interaction and connectivity. Persistent barriers to accessing information, technology, financing and markets — in the context of a changing climate with concomitant droughts, floods, land degradation and water scarcity — pose risks for agricultural productivity and food security. This is especially the case for women farmers, who may be as productive and enterprising as their male counterparts, but are even less able to access land, credit, agricultural inputs, climate and weather information, markets and high-value agri-food chains, compromising their productivity and incomes.

For rural women and girls, land holds the key to economic empowerment and security; giving them more influence over finances and household decisions, access to credit to start a business or improve their farm's productivity and, in many cases, the means to support their family. However, in many countries property rights can be a complex web of national and state laws, customs, traditions, and histories that vary from region to region. Rural women have been the least favored sector of the population by public policies on land redistribution, despite playing an important role in agriculture and food security in their households and communities. As noted earlier, data on the direct impacts of the many unfavorable policies on rural women and girls is scanty especially where it is needed most.

Such lack of fine-grained data creates tremendous challenges for those in seats of responsibility to act. If such data is available, it would put pressure on governments, international agencies and donors on exactly where to direct resources and support. Data gaps undermine our ability to target resources, develop policies and track accountability. Without good data, we're flying blind. If you can't see it, you can't solve it.

The Sustainable Development Goals — which UN member states endorsed when the Millennium Development Goals expired in 2015 — include the first targets for addressing globally the existing data gaps on secure tenure rights e.g under target 1.4 and 5a.1. Achieving the targets on secure tenure rights for all especially including facilitating women's access to land rights; ensuring women's equal participation in land policy development; and enacting inheritance laws to protect women, among others is crucial to delivering on the Sustainable Development Goals' promise of "leaving no one behind".

Because land is the foundation of rural livelihoods, it is the most valuable asset among many rural people and households. Also, research on women's land rights identifies pathways by which women's land rights play a crucial role in reducing poverty and achieving other development outcomes. However, a large body of existing evidence already shows households do not pool their resources completely, and women who depend on men for their access to land are vulnerable to losing their homes and livelihoods in cases of widowhood or divorce.

Women with more secure land rights are more likely to invest in environmentally sustainable land management practices like planting trees or soil conservation. But there is relatively little evidence that women's land rights improve access to credit, partly because this pathway requires well-functioning credit markets, with banking systems that accept land as collateral.

Although further research is needed to address evidence gaps, that should not deter the careful design and implementation of programs and policies to strengthen women's land rights. Land tenure reforms are proceeding in many countries, owing to increasing pressures on the resource. If such reforms do not specifically seek to strengthen women's land rights, they are likely to weaken them, with clear negative consequences for women and their households. Similarly, new data needs to offer possibilities to drill down to smaller localities or study units than in previous efforts, to overcome situations where localized problems can persist even within larger areas of progress and perhaps apply this information to create precise interventions that address these inequalities.

Today many of the existing levels of subnational disaggregation are often deemed too large for precision-focused targeting. Now that the capacity exists to perform the precise level of data

collection and analysis, there is a need to begin working on examining precision secure tenure rights assessments for rural women alongside precision interventions and accountability. At the same time, local government boundaries, especially those that signal financial and administrative power, are often well above these smaller geospatial analytic boundaries in many countries. Financial allocations and administrative decisions are made at province or region or district levels in many governments, and it's at such levels that local adaptations that are meaningful to rural women and girls in terms of their secure tenure rights needs to be addressed. Addressing precision tenure rights for women and girls globally is necessary to achieve the global goals on access to land and poverty by 2030, but the execution of it requires tremendous capability and commitment at local administrative levels.

A lot of evidence points to desired outcomes, but don't tell us how the combination of determinants are playing out to achieve the secure tenure rights for women and girls in rural areas. We will need more disaggregated data on the coverage of various types of programs, interventions, and services. This would help sharpen both the targeting of actions and the monitoring of changes in coverage and outcomes. Locally-focused diagnostic work is essential to accelerate the progress made and reach every household, mother, and child in ways that reshape the conditions that support better outcomes for rural women and girls throughout life.

For decades, we have known that investments in women and girls and their rights can fuel better educational outcomes later in life for nations, and that the educational attainment of women is crucial not only to their individual health and wellbeing, but also for that of their children and their society. In South Asia and sub-Saharan Africa, over 60 per cent of all working women remain employed in agriculture, concentrated in time- and labor-intensive, informal and poorly paid activities with little social protection or income security. In line with Goal 8, improving the quality and quantity of decent jobs with social protection and freedom of association must be a policy priority if poverty is to be eradicated and an adequate standard of living with empowerment and dignity is to be attained by rural women and girls. These outcomes are intricately connected, and addressing them together can provide tremendous spillover benefits.

International organizations have dedicated efforts to developing new methodological guidelines to improve the availability, quality and international comparability of gender statistics. These include a Handbook on Integrating a Gender Perspective into Statistics (2015); Guidelines for Producing Statistics on Violence against Women (2014); Methodological Guidelines for the Gender Analysis of National Population and Housing Census Data (2014); and the Handbook on Developing Gender Statistics: A Practical Tool (2010). The 2013 agreement by the United Nations Statistical Commission to use the Minimum Set of Gender Indicators, consisting of 52 quantitative and 11 qualitative indicators, as a guide for national production and international compilation of gender statistics was indeed progressive, but has failed to include tenure indicators. United Nations Statistics Division, as the Secretariat of Interagency Expert Group on Gender Statistics (IAEG-GS), is tasked to collect and compile data and metadata from leading agencies and make those data available online at <http://genderstats.un.org>. Women, Business and the Law, an initiative by World Bank established in 2008, collects unique data on laws and regulations constraining women's entrepreneurship and employment; with 2016 providing data on 173 economies covering demography, education, health, access to economic opportunities, public life and decision-making, and agency. However, this initiative does not cover data on tenure rights.

Specifically, on tenure rights, the Evidence and Data for Gender Equality (EDGE) project is developing methodologies to measure asset ownership and entrepreneurship from a gender perspective; a project being implemented by the UN Statistics Division in collaboration with UN-Women and FAO; whose lessons are shaping the discourse on how best to collect data and report women's land rights issues.

The Monitoring and Evaluation of Land in Africa (MELA) initiative of the African Land Policy Centre, currently being implemented in 12 countries, includes women's land rights as one of four key results areas, in line with the Africa Union Framework and Guidelines of Land Policy in Africa. However, the ability to report on women's land rights depends on the availability of data from administrative systems and surveys conducted by national statistical agencies.

The Global Land Indicators Initiative, a global multi-stakeholders' platform for the development of land indicators hosted and facilitated by Global Land Tool Network (GLTN) developed a set of 15 land indicators, including tenure security indicator that requires data disaggregation by sex. GLII piloted comprehensive tenure security questionnaire modules for collecting data at individual, household and community level in Cameroon, Nigeria and Kenya. SDGs indicator 1.4.2, 5.a.1 and 5.a.2 are specific land tenure indicators with a greater attention to sex disaggregated data on tenure security. Indicator 1.4.2 is under the custodianship of UN-Habitat and World Bank; and 5.a.1 led by FAO and UN Women; and 5.a.2 by FAO. Other land indicators in the SDGs framework are equality important and are included in SDG2, 11 and 15, with a link to SDG 16. Analyzing gender dynamics in all SDGs land indicators, and in monitoring other land governance frameworks is critical and must be pursued at all cost to inform policy decisions on women's land rights

Existing land data, mainly administrative data from cadasters and national land registries available in most countries, is often limited to some geographical locations in urban and rural areas, and often not disaggregated by gender. National surveys have often left out land, failing to capture a critical land data component on perception of tenure security needed to measure tenure security especially on the status of women and men in a society. Data on perception, goes beyond ownership, allowing the capturing of intra-household, family and community power relations that affect enjoyment of such rights; and capable of profiling the real struggles of women in securing their tenure rights. New data initiatives like Property Rights Index (PRINDEX), an initiative by Land Alliance is aiming at contributing to bridging perception of tenure security data gap using global polls; an initiative currently under piloting in a number of countries. Making both administrative and perception of tenure security data available is critical to policy decision-makers and for tracking progress in advancing gender equality in land and property rights.

Conclusion

Measuring gender equality in tenure security in relation to poverty has for a long time been perceived as challenging by data agencies, governments, multi-lateral financial organizations, private sector and UN agencies. In some cases, agencies have used generalized data and statistics of women's ownership and security of tenure from small qualitative or quantitative studies that are not statistically sound and or cannot be extrapolated for national representation to draw relevant conclusions. Most national surveys interview head of households, skewing the responses and quality of the data produced in favour of men; failing to embrace random sampling in enumeration areas or at household level to achieve 'self-reporting'; to understand the tenure issues and challenges of men and women in the society. Use of varying definitions, concepts and methods for data collection at local and national level continues to challenge comparability of gender statistics.

The dearth of data makes it difficult to set policies and gauge progress, preventing governments and organizations from taking measurable steps to empower women and improve lives. Despite these challenges, more countries are now conducting household surveys, in addition to regular population censuses, producing important data on agriculture, social and economic status, presenting opportunities to anchor generation of tenure security sex disaggregated data.

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