



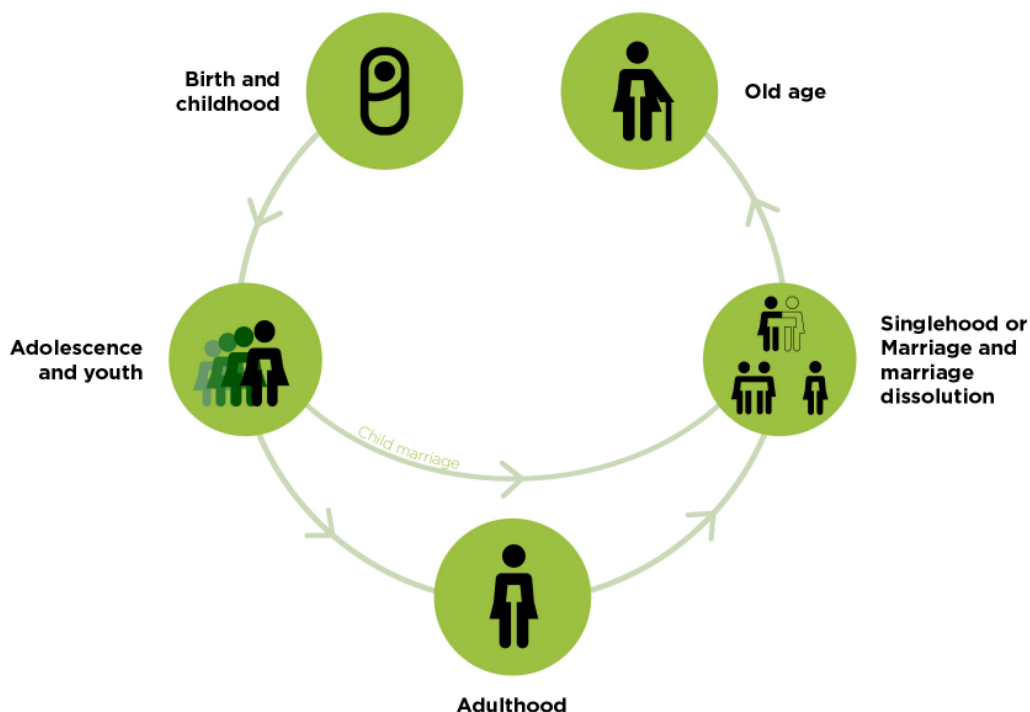
# LAND EMPOWERS

A life-cycle look at how women's and girls' relationship to land can lead to transformation or discrimination



January 2023

 Landesa



A person's relationship to land is a key determinant of their wellbeing, identity, and influence across the world. Strengthening land rights specifically for women and girls over the course of their life cycle can transform unequal but accepted gender dynamics, creating positive change in the life trajectories of women and girls, and increasing social, economic, and political gender equality.

Around the world, even when women have rights to use land, they rarely own and control it on an equal basis with men. This reality severely constrains women's security and opportunities. Lack of equal rights to land distorts a woman's self-perception and her community's perception of her capabilities and value.

A lack of ownership of land keeps women dependent on more powerful members of her household, often men – though women can also benefit from and reinforce patriarchy – and subjects them to discriminatory social and cultural norms and practices which reinforce their lower status within the home and community. The same norms and practices, including violence, create cyclical conditions that prevent women from becoming equal owners of land, or realizing fundamental rights to a life free from violence.

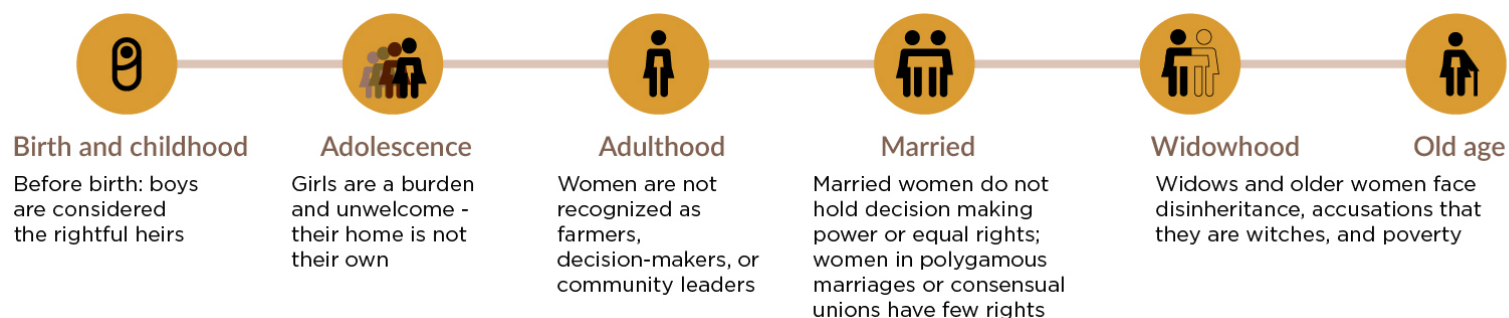
The Committee on the Elimination of Discrimination Against Women (CEDAW) has declared women and girls' rights to land and natural resources fundamental human rights, and CEDAW requires equal treatment for women under law in all matters regarding property and throughout land and agrarian reforms. The transformative power of land rights for women is also recognized in three separate indicators the UN Sustainable Development Goals, which emphasize equal rights to land as an important indicator of gender equality and means to poverty eradication.

This document first explores land-related norms, traditions, and practices around the globe that operate across a woman's life cycle to diminish her value and undermine her security and opportunities. Examples are provided from numerous countries to provide nuance and comparisons across regions and a variety of national and local contexts. We see that the vulnerabilities fostered in one stage of a woman's life give rise to and sustain her vulnerabilities in later stages, creating and entrenching life-long disadvantages that deny her safety and security, full livelihood opportunities, and respect

*Land rights for women over the course of their life cycle have the transformative potential to overturn unequal but accepted social and economic arrangements and positively shift the life trajectories of women and girls.*

from community and self. These factors collectively create a cycle of deprivation and violence related to land; gender discrimination and violence; and perpetuate landlessness for women.<sup>1</sup>

Chart 1: Discriminatory norms and practices and lack of land, lead to a life cycle of loss



But women are far more than this current inequitable position. Women have tremendous potential and possibility as equal members of society and as people who can use and own land (see Chart 2). In the following pages, we contrast the stark challenges many women face in realizing their fundamental rights to land against a hopeful alternate life path full of opportunity and dignity (in green boxes throughout). We explore each of the stages of a woman's life cycle and the contrast between what often is and what could be. Examples of interventions that create this opportunity and dignity are also provided from several contexts and at the end of the document.

Chart 2: Envisioning a life cycle of equality and opportunity



We hope that this lifecycle perspective on women's rights to land helps to inspire more holistic interventions to address inequity in land rights and supports advocacy for gender equality and women's empowerment more broadly.

## Discrimination begins before a girl's birth and continues throughout childhood

Across many countries, boys are more valued than girls. In South Asia, for example, there is a pronounced preference for sons over daughters. The well-known phenomenon of skewed sex ratio in Asia (most notably

*This preference for sons strips a daughter of her first right – being welcome in the world.*

in India and China) and North Africa is a pertinent example of how social inequality is perpetuated through customs, norms, and practices, and results in violations of women and girls' human rights like female infanticide, neglect, malnourishment, and mistreatment.<sup>2</sup> This affects the health of whole societies; greater gender inequality is correlated with overall higher child mortality rates.<sup>3</sup>

Sons are frequently considered the natural and rightful heir to family assets, land, and legacy, and are assigned the honor of performing the death rites of parents and making offerings to ancestors. In Myanmar, most parents hope to have a boy first, and boys are more likely to inherit land than girls. In some areas, a woman who gives birth to only girls is considered second class to a woman who gives birth to only boys, and two women in such circumstances cannot sit together as they are of different classes. Similarly, in several parts of China, the birth of a boy is welcomed with shouts of joy and firecrackers, but when a girl is born, silence prevails.<sup>4</sup> In Korea, son preference from the Confucian traditions, embedded in the Korean Civil Code of 1958, required eldest sons to head families and passed inheritance exclusively through the male line. Such was modified only in 2005 by the Supreme Court.<sup>5</sup> In Tanzania, according to the prevailing Local [Customary Law Declaration Order of 1963](#), the eldest son inherits first, followed by other sons; daughters are last to inherit.

This preference for sons strips a daughter of one of the earliest human dignities – being welcome in the world. In many places, daughters still grow up unwanted, and this ignorance manifests in girls' poor health and educational opportunities as well as low self-confidence and esteem. Studies suggest that when girls lack rights to property, and are perceived as a burden on their families, they are regularly victims of child labor (in the home, factories, and as domestic servants).<sup>6</sup>

In countries such as India and Liberia, a girl grows up learning that the house where she is born does not belong to her—as her place will be with her future husband. A boy meanwhile receives the message that he is the bearer of family legacy and property. This gap gives sons a sense of superiority, entitlement, and belonging, while girls grow up conditioned to be submissive. Girls learn that they hold secondary status and are not entitled to the same rights and benefits as boys. They receive less attention and fewer resources and opportunities in formative stages of life.



### *Contrasting Equality Lifecycle:*

#### **A girl is as welcome and valued as a boy throughout childhood**

- She is welcome and worthy from birth.
- She is given the attention and resources needed to flourish.
- She sees herself as worthy, able, and valuable.
- She is important to family legacy and has the same right to family resources, including the key resource: land.
- She is taught to use, manage, and expect to have the right to land.



### **In adolescence and youth, girls and young women are rendered more vulnerable**

A girl's transition to adolescence is often coupled with stronger social or cultural restrictions and compulsions. A cluster of social norms – including disinheritance of daughters – reflect the unequal value accorded to girls' rights.

Globally, 43 countries still do not provide equal inheritance for male and female surviving spouses, and 41 countries still do not grant daughters and sons equal inheritance rights.<sup>7</sup> Even where daughters are legally able to claim inheritance rights, they frequently do not receive their rights in

practice. Families may marry their daughters early for economic reasons, or even to prevent them from asserting inheritance rights.<sup>8</sup> If they do assert these rights, girls often encounter severe backlash within the family. In Myanmar, daughters can inherit land, but land titles are often put in the names of sons-in-law, as they are understood to be the heads of household. The practice is also observed in certain indigenous communities in India. In Liberia, while sons and daughters have equal inheritance rights under law, in practice, under customary law daughters often cannot inherit.<sup>9</sup> Instead, daughters often only enjoy land use rights that become hard or impossible to exercise when they marry outside their natal communities.<sup>10</sup>

In Latin America, despite historic inheritance trends that are more gender-equitable than many areas of the world, inequity persists because daughters may inherit animals or a house whereas sons inherit land that brings longer term value and an elevated social status. While Andean countries with sizeable Indigenous populations more commonly practice bilateral inheritance (e.g., Ecuador and Peru), there is strong male bias in inheriting land in other countries, including among Indigenous some groups (e.g., Mexico, Chile, and Brazil).<sup>11</sup>

Instead of giving daughters their lawful rights in parental family land, several cultures – such as in South Asia – practice dowry. At times, girls are married early to avoid paying higher dowry, which is often required if they marry at an older age.

In cultures that practice bride price instead of dowry, marital families may consider that they have paid for the bride, and so they are entitled to benefit from her labor. Families also fear that the bride might return to her natal home without being able to repay the bride price.

Globally, one in every five girls is married, or in union, before reaching the age of 18. Early marriage often results in “servile” marriages between a younger bride, especially one who owns no property, and her much older husband.<sup>12</sup> Several studies show secure land tenure is associated with reduced child marriages, more education, and improved health.<sup>13</sup> In the State of West Bengal in India, for example, adolescent girls who learned about their rights to land, as well as their rights to attend school and avoid early marriage. These girls were significantly more likely to have an asset in their name, to stay in school, and to marry later, according to a rigorous evaluation of the program.<sup>14</sup>



### *Contrasting Equality Lifecycle:*

#### **A skilled and valued young woman has agency and a life of opportunity ahead of her**

- She is educated; she has been taught skills regarding farming and land management.
- She has personal agency and is offered the opportunity to make choices about her own life, including marriage.
- She expects that she can and will own land on an equal basis with male family members.
- Her family values her skills and contribution.



### **Limited land rights limit women's potential in adulthood**

Social and cultural practices obstruct women's productive roles and relationship to land in various ways. This can be particularly pronounced for young women.

Despite women's significant involvement in agriculture (women comprise the majority of agricultural labor in some countries), they are often not recognised as farmers since the land is not under their

ownership and control. In Asia and Sub-Saharan Africa, a gender gap is found in nearly all measures of land ownership and management.<sup>16</sup>

In countries such as Myanmar and India, while women work on farms, it is men who are considered farmers and often hold power over farm-related decisions. Women's work in agriculture is seen as an extension of their household work, and they remain marginalized across the agricultural

ecosystem. They are typically paid less than men for the same work and time; policies are frequently gender-neutral, which can leave women's interests effectively overlooked; women are often excluded from agricultural training and extension due to social norms; market reforms do not sufficiently address their needs; and agricultural research is not attuned to their perspectives.

In Liberia, women often need a husband or male relative to access farmland. In the words of one Liberian girl, they are rarely able to access land directly, and need to "beg" their brothers, fathers, or uncles for land. Families fear that if daughters receive land, the community land will be transferred to outsiders.<sup>17</sup> In Kenya, cultural norms limit women's decision-making over land, in turn limiting their ability to sustainably manage productive resources such as high value mango trees.<sup>18</sup>

These norms broadly limit women's potential in agriculture and other land-based livelihoods, such as poultry rearing or fishkeeping. They are often not able to access various support schemes such as credit, subsidies, or crop insurance. These norms significantly limit women from fully engaging in agriculture or other farm-based work. Social norms and gender neutral design also frequently limit women's participation in government and civil society programs on climate action, ecosystem restoration, and biodiversity protection.

Women's participation in community-level assemblies is also limited by gendered norms. This frequently leads to male dominance in and women's exclusion from land governance. For example, Mexico's community land arrangements frequently exclude women from decision-making in local assemblies.<sup>19</sup> In Liberia, the Land Rights Act (2018) requires women to be equally represented in community land management bodies,<sup>20</sup> but this is not happening in practice because of gendered cultural norms. In Tanzania, although the [Land Laws](#) call for women to be represented in land-related decision-making bodies, women do not meaningfully participate in practice. Men dominate China's village committees. The required quota of having at least one woman committee member creates a reality where often a single woman serves with a significantly limited ability to represent women's interests.

Without rights to land and related decision-making rights, and absent the identity, voice, and dignity they deserve, women are unable to contribute socially, economically, and politically. This results in high costs to women, their families, communities, and whole societies.

### Weak land rights create numerous vulnerabilities for women.

Studies also show that women without land rights are more vulnerable to transactional sex and less able to negotiate for safe sex.<sup>15</sup> They are also more vulnerable to climate change, since they are less able to adopt mitigation and adaptation measures. This leads to lower quality of life and higher mortality rates from natural disasters.



#### *Contrasting Equality Lifecycle:*

#### **A woman is a fully recognized farmer, landowner, decisionmaker, and leader**

- She and others fully recognize her status as a farmer (rather than farm helper).
- A broad scope of livelihood opportunities are available to her.
- As an individual with full personhood and agency, she is included in decision making within the household, the community, and public bodies.



## Married women are disadvantaged by limited land rights; as a result, they are exposed to violence, and harmed if a marriage ends

Various marital property regimes provide different land and property rights to women within marriage and upon its dissolution, but one thing that cuts across many of these marital property regimes is inferior rights for wives.

In several Asian countries, there is a presumption that a woman receives land rights as a member of her marital household. But women are not automatically included as a holder of family property. Instead, a woman receives legal rights in marital property only when she becomes a widow. Moreover, very often these rights are mere user rights and not absolute ownership rights. In this economically insecure position, women often experience gender-based violence within the marital family. Because she owns nothing, she has nothing to fall back on if she chooses to move out of an abusive marriage.

In China, a “married out daughter” belongs to her husband’s household, and are seen by natal families as “spilled-out water.” When women marry and move to their husband’s village, they frequently lose control over the land allocated to them in the natal village, but rarely receive new parcels of land in the marital village. Since wives are rarely representatives of the households, they lack the agency to sign land leases that give rent to the family, or compensation agreements if the government expropriates the family’s land.

In Myanmar, marital property rights due to a woman upon widowhood or divorce may be very difficult to enforce; government officers responsible for enforcement are likely to hold to the belief that men are rightful land holders. Countries like Liberia recognize the husband’s land and property as separate from the wife’s land and property. While this can protect women’s property rights if they have property, many rural women lack direct ownership of land before and during marriage. As such, separate property regimes often work against recognizing women’s non-monetary contributions and their ability to accumulate property together with her husband over the course of their marriage.

In countries in Sub-Saharan Africa—like Liberia and Uganda, there is a saying applying to women’s land rights: “Property cannot own property.”<sup>24</sup> This reflects the notion that women (as well as children) are their husband’s property; this is still common if not always explicit in many areas of Sub-Saharan Africa. The Supreme Court of Liberia, in *Harmon vs. Draper* (1963) ruled that a woman in customary areas is “part and parcel of the man’s estate,” and so she could not legally own any part of her husband’s estate.<sup>25</sup> The Equal Rights of Customary Marriages (ERCM) Law (1998) overruled this common law holding that considered women the property of their husbands, and instead made women property rights holders, entitled to one-third of her husband’s property after his death.<sup>26</sup> However, customary practices remain strong, especially given little awareness of these and more recent legal rights to land for women in customary areas.

Incomplete land rights, coupled with the patriarchal ecosystem, result in women frequently finding themselves in abusive family situations that they are unable to escape. Women without options are

### **Women living in de facto unions or polygamous marriages have even weaker rights to land,**

relative to their formally married, monogamous counterparts. Formal law may insufficiently protect these women, leaving them at risk of losing land shared with their male partner.

In Liberia there is an increasing trend of de facto unions, yet women have weaker land and inheritance rights as compared to wives in formally recognized statutory and customary marriages. In Myanmar and India, women in de facto unions cannot enjoy inheritance from their husbands.<sup>21</sup> The rights (or lack thereof) of women in de facto unions can also have implications for their children born out of wedlock or into a family that lacks formal legal protections. These children may find it more difficult to obtain property rights later in life.<sup>22</sup>

Women in polygamous marriages face additional challenges with respect to land rights in both law and practice. In Kenya, under the 1981 Law of Succession Act (which governs inheritance for all non-Muslim Kenyans), in cases of polygamy, the deceased husbands’ estate is divided between all the wives, depending on the number of their children.<sup>23</sup> In Liberia, polygamy is practiced and legally recognized for customary marriages. While it recognizes a customary widow’s right to receive a third of the deceased husband’s property, multiple customary wives must split the inheritance—diluting their right to land with the addition of subsequent wives.

more vulnerable to abuse, and violence is frequently used to keep women from asserting their rights. In Uganda and Liberia, for example, strong cultural norms against women's land ownership undergird an increased prevalence of gender-based violence against landowning women.<sup>29</sup>

### **Women's vulnerability increases with the dissolution of marriage.**

When marital relations breakdown—such as from divorce, separation, or abandonment, women frequently lose access and rights to marital land, which they and their children depend on, and face barriers to returning to their natal families to access family land.

In China, when rural women divorce, they often lose their land use rights in their former husband's household. Due to a lack of legal literacy and social pressure, women rarely claim their right to partition the household's land upon divorce; even if the court makes a verdict of partition, it is challenging to enforce the decision against local custom. Divorced women are often considered a "disgrace" to their family. They are at the mercy of their parents or brothers to reacquire land use rights and benefits in the natal family. Therefore, some divorced women choose to stay with their former husband's family even if legally divorced, and many others quickly remarry, to ensure shelter and a livelihood.

In India, divorced women are regularly prevented from returning to their natal families because of cultural stigma and the perception that dowry had been given.<sup>30</sup> In Indonesia, when land is in the husband's name, women are vulnerable to losing access to land on divorce.

In some areas of Kenya, divorced women lack any socially recognized rights to land or trees from the marriage, often returning to their family's village on the chance that a father or brother may provide them with a small parcel of land.<sup>31</sup>

In Liberia, in the event of separation or divorce in customary settings, women lose land rights in their marital community. By custom in some areas, if the husband asks for a divorce, the woman leaves the husband's household; if the woman requests a divorce, she refunds the dowry (though this is prohibited by law). If she returns to her natal village with her children, her children generally do not inherit land (as it is expected the woman's sons and daughters should inherit land from the children's father).<sup>32</sup> In this way, the tenure insecurity the women experiences upon divorce continues to impact her children.

In contrast, there are various countries and jurisdictions – such as in UK and US - that recognize equal or equitable rights to land for women and men at the time of divorce.

### **An option for equal marital property regimes.**

In contrast to separation of property regimes, some countries have community property regimes, and view marriage as a partnership.<sup>27</sup> These regimes implicitly recognize women's non-monetary contributions to provide women access to land and property accumulated over the life of the marriage.<sup>28</sup> Countries such as Tanzania recognize a community property regime, and joint land registration between spouses is mandated, and consent of spouse in any land transaction is mandated. In the US, some states also follow a community property regime.



### **Contrasting Equality Lifecycle: A married woman is an equal partner with equal land rights and equal options to leave or dissolve a bad marriage**

- Laws recognize women's equal rights to land within and after marriage, and the laws are enforced.
- She owns land within marriage, holds equal voice, respect, and decision-making power within the household and community alongside her husband or partner.
- She has options in case of divorce or other marital or relational change because she owns and controls land that she purchased or inherited.
- She can leave violent situations because she has resources and agency.



## Widows are denied rights and ostracized from homes and communities

Since current practices determine a married woman's land rights in relation to men, they often become even more vulnerable with widowhood.

In both India and Liberia (for example), widows are a secondary class within the class of women, and insecure land and housing rights leave them vulnerable to violence of several kinds. In India, due to property and other constraints, studies show widows are more vulnerable to illness and disability.<sup>33</sup> The stigma associated with widowhood impinges on fundamental human rights, including with respect to land and property.

Even when the law provides property rights to widows, under customary practices, they are often forced to remarry the brother of the deceased husband so that the land remains in the family. In Liberia, if a widow refuses to marry her brother-in-law or a related male family member, her deceased husband's family may evict her and her children. Women who assert their rights are often declared witches and become vulnerable to extreme forms of violence. The risk of being accused of witchcraft deters women from asserting their rights in the family and in court.<sup>34</sup>

In Burkina Faso and Senegal, some communities also practice the custom of forcing widows to remarry her deceased husband's male family members to keep land within their family line. In Senegal, women are considered part of her deceased husband's "property."<sup>35</sup> In Uganda, it is common for the deceased husband's family to grab property from widows. In one county-based assessment, over 30 percent of surveyed Ugandan widows experienced property grabbing, and the number rose to almost 40 percent when including those who faced an attempt at property grabbing.<sup>36</sup>

Even where widows have rights under the law, they may enjoy only a life interest in her deceased husband's land, which is lost in the case of remarriage, such as in Kenya.

In contrast, widows may have strong, lasting land ownership rights in jurisdictions where community property regimes are practiced, as they can allocate the deceased husband's property to the surviving widow.

### Widowed women in China are better off than divorced women.

In China, widows experience much less hardship than divorced women, as widows who do not remarry are considered members of the deceased husband's family and village. They may even become the head of the household if their children are underage. Commonly, a grown-up son will become the new head of the household after the husband passes away. The widowed woman may still lack agency concerning land use rights and land-related benefits.



### Contrasting Equality Lifecycle:

#### A widow holds and retains land rights, dignity, and agency

- She continues to fully own land that she owned during the marriage, including land that she jointly owned with her spouse.
- She continues to be able to exploit land-related livelihood opportunities and continues to be treated with the respect of a landowner in her household and community.
- She has livelihood and housing options during widowhood, and the agency needed to exercise them.



## Women experience destitution and indignities in old age and death

As women enter old age, customs and practices continue to exclude them from land rights and expose them to poverty, indignities, and violence.

In India, a study suggests that more than 60% of women older than 60 years of age are widowed. Of these, only around 10% of elderly women claim to be financially independent (as compared to around 50% for their male counterparts).<sup>37</sup> Furthermore, there is a strong connection between property ownership and arrangements for kin-based caregiving for the elderly. When widowed, elderly women who lack property are more likely to live alone, reside in old age homes, and to not be cared for by their children. Property and financial deprivation, exploitation, verbal and psychological abuse, and abandonment are common and disproportionate for women.<sup>38</sup>

Where state-level social insurance is lacking, land and property can provide a safety net; however, patriarchal norms supporting predominately male land and property ownership often excludes women from land-based social protection. National survey data “show that more than twice the number of elderly men own property or assets compared to elderly women in both urban and rural areas,” with gender disparities in property ownership increasing for those in lower socio-economic statuses.<sup>39</sup> When older women do not own land and property, they are not given due respect by sons in many cases.

In countries in Sub-Saharan Africa, customs can result in inequities and indignities for women at the time of death. In areas of Southeast Liberia, where a woman in a de facto union dies, her male partner at her death pays her dowry so he can claim the children and have control over the body, funeral, burial rites, and property (rather than to have the deceased woman’s family take control). In Zambia, traditional funeral rites are used to prevent widows from accessing their deceased spouse’s land.<sup>40</sup> In Tanzania, under customary laws, a guardian is appointed to manage children and property after a husband passes away, but not after the wife passes.<sup>41</sup>



### *Contrasting Equality Lifecycle:*

#### **Older women age with dignity; land rights give them leverage and options**

- She owns land and can use it to sustain her livelihood. Even when she can no longer physically farm herself, she can supervise other family members’ work, hire and oversee laborers, or lease out her land and earn rental income.
- She is granted the respect of a landowning member of the community. She continues to be fully included in family and community decision making.
- She is a model and mentor to younger women and men farmers.



## Realizing an alternative vision of powerful, landowning women

Land is a focal point around which our lives are structured, and a focal point for social and political power. Insecure land tenure, based on the idea that women do not need to or do not deserve to own land, makes women – rural or urban, young or old, married or not – increasingly vulnerable to destitution and gender-based violence throughout their lifetimes, and leaves them excluded from or under-represented in decision-making spaces; this discrimination starts in homes and ripples up to parliaments and international bodies. In large measure, these inequalities are due to cultural norms, traditions, and practices that are embedded in patriarchal systems around the world.

The disconnect between women and control over land at all stages reinforces inequality and exacerbates vulnerability. This negative cycle, in both the private and public spheres, fosters loss for women and girls over the course of their lives and is passed on through generations. At every step of their lives, they encounter friction and limited choices, rather than ease and opportunity.

We can take action to break this cycle and assure better lives for women and girls, and the benefits of gender equality to all. Civil society actors, decision-makers (government officials), and development partners all have a role to play. The core elements of any program to break this cycle are to build and reinforce the social legitimacy of women's land rights while also ensuring women's enshrined legal rights to land ownership.

*The core elements of any program to break this cycle are to build and reinforce the social legitimacy of women's land rights while also ensuring the women's enshrined legal rights to land ownership.*

## Social norms and behavior change (SNBC)

Since denial of land rights reinforces discrimination and marginalization of women and girls in many ways, it is important to include and address obstacles that undermine their land rights in a range of programs that aim to secure justice and equality for women and girls. Contextualized methodologies to bring about changes in norms and practices that limit women's land rights should be an integral part of all such programs.

While social norms are highly dependent on location, some frequently encountered social norms related to women's land rights include:

- **The idea that women are not farmers.** Women are often viewed by themselves and others as “farmers’ wives” or “farm helpers” rather than as farmers in their own right. Their farm work is seen as an extension of household work and of less value than men’s farm work.
- **The notion that land is a male purview.** Land decision-making is often seen as a male arena, and clan or customary land is often seen as held by male members of the family, or by the highest patriarch within a customary or traditional system.
- **The idea that the labor of women is owned by male relatives and families more broadly.** Girls’ and women’s labor is seen as a duty to fathers and brothers, and then to husbands and in-laws once married; this severely limits women’s agency and full personhood.
- **The idea that women do not understand or are not able to deal with land documents and records.** Land records can be seen as complex and something that is too difficult for women to understand.
- **The idea that women are not business minded.** Women might be considered economically naïve or to be poor negotiators.

- **Limitations on women’s mobility to domestic spheres.** Women may be limited to the house and area around the house, such as the garden plot. They may be limited in their ability to visit the market or land office.
- **The idea that daughters should not inherit land.** There may be a strong belief that only sons should inherit land and carry on the family legacy and that daughters are incapable of doing so or should not do so due to gendered and/or religious limitations.
- **Limitations on women’s household decision-making.** Women may be excluded or marginalized in household decisions about the use of household income or resources. There may be an expectation of obedience to husbands or in-laws.
- **Limitations on women’s use of their income.** When women earn income from their labor, there may be an expectation that they turn it directly over to the male head of household.

#### **Stand for Her Land:**

Landesa is working through the Stand for Her Land Campaign (S4HL) in Uganda, Colombia, Bangladesh, Senegal, Ethiopia, and Tanzania, as well as at regional and global levels, on locally-based and planned projects to shift social norms and change behaviors surrounding women’s land rights. This work is developing; as programs and processes are tested and outcomes measured, Landesa and the S4HL Campaign will share outcomes, lessons, and tools.

#### **Example from S4HL Partner UC OBAC in Uganda:**

[“Securing your Family’s Future”](#) - a training curriculum used to support SNBC towards the creation of wills that equitably include women.

- **The idea of the “unified” household, headed by a man.** Everyone may expect the male head of household to represent the entire interests of the household. So, for example, if land is granted in his name, it that may be considered sufficient to ensure that the household is not landless, even if he is the only one with tenure security.

Both women and men can perpetuate these norms. Depending on the context, norms may feel virtually intractable, but it is possible to shift or even transform these beliefs and behaviors. It is key to engage the leadership of key members of the community, including male champions, as well as to facilitate and center collective action of women within and across communities. A small but growing body of tools exists to help assess and promote such shifts in social norms.<sup>42</sup>

## **Legal reform**

Strong legal frameworks for women’s land rights are essential to guarantee equality and support women’s rights in practice. While incredible progress has been made over the last few decades to enshrine gender equality regarding land in constitutions and legislation in many countries globally, this process is incomplete. Many legal marital property regimes remain unequal, as do inheritance laws for wives and daughters. Regulations implementing land registration programs should be strengthened to recognize women’s land rights through joint titling requirements; and government programs to distribute land to the landless and land poor can prioritize distribution to women and require joint titling to married couples.

While land rights in most countries are governed by a wide range of legislation, key laws to review and consider for policy advocacy include the following example categories. [This guide](#) from the Food and Agriculture Organization (FAO) also provides standards for evaluating how well a country’s legal frameworks (both formal and customary) align with Sustainable Development Goal 5.a.2, by guaranteeing women’s equal rights to land ownership and control.

- **Land registration law and policy.** Can women and men both be registered as landowners? Are laws simply “gender neutral” or also “gender transformative”? For example, do registration policies recognize and accommodate the unique situation of women (e.g., time and mobility constraints, need for land literacy knowledge and skills)? Can married couples jointly title property? Or just the “head of household” who is presumed to be male?

- **Inheritance, religious personal laws, and customary law.** Do wives and daughters have inheritance rights? Are they equal to sons and husbands? These laws should be viewed and considered together with SNBC work to increase both legal and social legitimacy for women's land rights.
- Laws governing **marriage and divorce.** What property rights do women have within marriage and in case of divorce, separation, or abandonment? Does the country have a "community property" marital property regime that recognizes the joint contributions of both spouses and their joint ownership of everything acquired?
- **Land distribution law and policy.** When the government distributes land, does it grant land equally to women? When married couples receive government land grants, is it jointly titled? Are their gender transformative provisions, such as prioritization of women in the context of land allocation?
- **Land use, land management, expropriation, and other laws requiring public input.** When community decisions are made about land use and management, are women explicitly included? When public notice is required, such as in case of government land expropriation, are channels that are likely to reach women used? Are public meetings held that women can attend? Are they invited and encouraged to attend and speak out?
- **Overarching law and policy, including the Constitution, national agricultural and land policies, and international treaties such as the Convention on the Elimination of Discrimination Against Women (CEDAW).** Are women recognized as full and legitimate potential land rights holders? Are they recognized as full-fledged farmers? Has the country fully ratified CEDAW? Have reservations to CEDAW been withdrawn?

Land rights of women and girls link with a variety of policy arenas and therefore coordination between ministries responsible for land governance, gender, rural development, agriculture, climate, food security, and others may enable breakthrough solutions.

## Better lives for women and girls

Gender equality is the larger enshrined goal, and gender equal and socially inclusive land rights is a significantly important tool for breaking the negative cycle. Land rights change the way women are viewed and the way women view themselves. Land rights for women and girls can dig out the rot of gender inequality, radically yet quietly uprooting it, overturning it, giving women control over their own lives.

To secure safe and better futures for women and girls, a holistic approach is required. Because of the centrality of land to livelihoods, economic, social, and political security, climate resilience, health, food security, and many other crucial agendas, it is imperative to strengthen land rights of women and girls over the course of their lives and in all places.

## Citations

- <sup>1</sup> See, e.g., Colleen Sheppard, *Systemic Discrimination and Gender Inequality: A Life Cycle Approach to Girls' and Women's Rights*, 232-244, in *Confronting Discrimination and Inequality in China: Chinese and Canadian Perspectives* (2009), <https://doi.org/10.2307/j.ctt1ckpdk1.15>; *Male Involvement in Reproductive Health: Incorporating Gender Throughout the Life Cycle* (1998), Technical Support Services System: Occasional Paper Series No. 1, FAO, [http://www.fao.org/3/x0257e/x0257e02.htm#P70\\_11139](http://www.fao.org/3/x0257e/x0257e02.htm#P70_11139).
- <sup>2</sup> Njomeza Pema, *Where are our girls going*, The Collegian, September 25, 2023, <https://hillsdalecollegian.com/2022/03/where-are-our-girls-going/>
- <sup>3</sup> Neelam Iqubal et al., *Girls' hidden penalty : analysis of gender inequality in child mortality with data from 195 countries*, (Oct. 2008), *BMJ Global Health* 3(5), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6231099/>
- <sup>4</sup> *How Does Son Preference Affect Populations in Asia*, East-West Center, <https://www.eastwestcenter.org/publications/how-does-son-preference-affect-populations-asia>
- <sup>5</sup> Sidney B. Westley and Minja Jim Choe, *How Does Son Preference Affect Populations in Asia?* (Sep. 2007), *Asia Pacific Issues* 84, <https://www.eastwestcenter.org/system/tdf/private/api084.pdf?file=1&type=node&id=32202>.
- <sup>6</sup> See e.g., *Gender Dimensions of Agricultural and Rural Employment: Differentiated Pathways Out of Poverty* (2010), FAO, p. 90, 104 <http://www.fao.org/3/i1638e/i1638e.pdf> (girls have lower school enrollment rates than boys, which is due to a number of factors, e.g. precedence to sons where schools charge fees, girls' "greater (and frequently unpaid, unrecognized domestic) work burden in rural areas" especially where mother's work, and risks / cost associated with transport to schools in rural areas. Generally, girls' work in agriculture "is often invisible," as is their domestic work).
- <sup>7</sup> See, World Bank, *Women, Business and the Law* dataset, <https://wbl.worldbank.org/en/data/exploretopics/wbl>
- <sup>8</sup> Rina Chandran, *Forced by tradition to give up inheritance, Indian women embrace property ownership* (2016), Reuters, <https://www.reuters.com/article/us-india-landrights-women/forced-by-tradition-to-give-up-inheritance-indian-women-embrace-property-ownership-idUSKBN12X1OZ>.
- <sup>9</sup> My-Lan Dodd et al., *Women's Land Rights in Liberia in Law, Practice, and Future Reforms: LGSA Women's Land Rights Study* (2018), USAID, pp. 5-12, [https://www.land-links.org/wp-content/uploads/2018/03/USAID\\_Land\\_Tenure\\_LGSA\\_WLR\\_Study\\_Mar-16-2018.pdf](https://www.land-links.org/wp-content/uploads/2018/03/USAID_Land_Tenure_LGSA_WLR_Study_Mar-16-2018.pdf)
- <sup>10</sup> My-Lan Dodd et al., *Women's Land Rights in Liberia in Law, Practice, and Future Reforms: LGSA Women's Land Rights Study* (2018), USAID, pp. 5-12, [https://www.land-links.org/wp-content/uploads/2018/03/USAID\\_Land\\_Tenure\\_LGSA\\_WLR\\_Study\\_Mar-16-2018.pdf](https://www.land-links.org/wp-content/uploads/2018/03/USAID_Land_Tenure_LGSA_WLR_Study_Mar-16-2018.pdf).
- <sup>11</sup> Carmen Diana Deere and Magdalena Leon, *The Gender Asset Gap: Land in Latin America* (2003), *World Development* 31, pp. 925 (2003), <https://www.amherst.edu/media/view/92212/original/gender%20asset%20gap.pdf>.
- <sup>12</sup> Kirsten M. Backstrom, *The International Human Rights of the Child: Do They Protect the Female Child* (1996-97), *George Wash. J. Int'l L. & Econ.* 30, p. 541, 544.
- <sup>13</sup> Pradeep Guin, *Do Property Rights Explain Health Outcomes of Adolescent Girls in India?* (2021), Centre for Social and Economic Progress, <https://csep.org/impact-paper/do-property-rights-explain-health-outcomes-of-adolescent-girls-in-india/>; see also, Roshni Sen, *How Land Rights Can Help End Child Marriage* (2015), Devex, <https://www.devex.com/news/how-land-rights-can-help-end-child-marriage-86697> (discussing Kanyashree Prakalpa and SABLA programs, tying land rights to reduced arranged marriages and improved health measures).
- <sup>14</sup> Landesa, *Security for Girls Through Land: Pilot Evaluation, 2012-2013*, <http://www.landesa.org/wp-content/uploads/Landesa-Girls-Poject-Baseline-Study.pdf>
- <sup>15</sup> *To Have and to Hold: Women's Property and Inheritance Rights in the Context of HIV/AIDs in Sub-Saharan Africa* (2004), ICRW, <https://www.icrw.org/wp-content/uploads/2016/10/To-Have-and-to-Hold-Womens-Property-and-Inheritance-Rights-in-the-Context-of-HIV-AIDS-in-Sub-Saharan-Africa-Information-Brief.pdf>; Renee Giovarelli et al., *USAID Issue Brief: Land Tenure, Property Rights, and HIV/AIDS* (2010), pp. 3-4, <https://www.land-links.org/wp-content/uploads/2016/09/Land-Tenure-Property-Rights-and-HIV-AIDS.pdf>; Starr Hilliard et al., *Perceived Impact of a Land and Property Rights Program on Violence Against Women in Rural Kenya: A Qualitative Investigation* (2016), *Violence Against Women*, pp. 1682-1703, doi: 10.1177/1077801216632613.
- <sup>16</sup> Kathryn Sproule et al., *Gender, Headship, and the Life Cycle: Landownership in Four Asian Countries* (2015), CGIAR, <http://ebrary.ifpri.org/utils/getfile/collection/p15738coll2/id/129823/file/130034.pdf>.
- <sup>17</sup> Elizabeth Louis et al., *Using a Gender-Responsive Land Rights Framework to Assess Youth Land Rights in Rural Liberia* (2020), Landesa, <https://www.mdpi.com/2073-445X/9/8/247/htm>.

- 
- <sup>17</sup> *Land Rights as a Critical Factor in Donor Agricultural Investments: Constraints and Opportunities for Yield Wise in Kenya's Mango Value Chain* (2018), Landesa, <https://www.landesa.org/wp-content/uploads/Land-Rights-as-a-Critical-Factor-in-Donor-Agricultural-Investments-Jan18.pdf>.
- <sup>18</sup> Carmen Diana Deere and Magdalena Leon, *The Gender Asset Gap: Land in Latin America* (2003), *World Development* 31, doi:10.1016/S0305-750X(03)00046-9.
- <sup>20</sup> The Land Rights Law of the Republic of Liberia, *An Act to Establish the Land Rights Law of 2018, Republic of Liberia*.
- <sup>21</sup> Interviews with Landesa in-country staff in India and Myanmar.
- <sup>22</sup> See, e.g. Liberia example in My-Lan Dodd et al., *Women's Land Rights in Liberia in Law, Practice, and Future Reforms: LGSA Women's Land Rights Study* (2018), USAID, pp. 5-12, [https://www.land-links.org/wp-content/uploads/2018/03/USAID\\_Land\\_Tenure\\_LGSA\\_WLR\\_Study\\_Mar-16-2018.pdf](https://www.land-links.org/wp-content/uploads/2018/03/USAID_Land_Tenure_LGSA_WLR_Study_Mar-16-2018.pdf).
- <sup>23</sup> *Land Rights as a Critical Factor in Donor Agricultural Investments: Constraints and Opportunities for Yield Wise in Kenya's Mango Value Chain* (2018), Landesa, <https://www.landesa.org/wp-content/uploads/Land-Rights-as-a-Critical-Factor-in-Donor-Agricultural-Investments-Jan18.pdf>.
- <sup>24</sup> Justine Uvuza, *Dowry and Women's Land Rights in Liberia: A "double-edged" sword for women* (2018), Landesa, <https://news.trust.org/item/20180307153558-5jdg4>; Renee Giovarelli, *Customary Law, Household Distribution of Wealth and Women's Rights to Land and Property* (2006), *Seattle Journal for Social Justice*, pp. 801, 824, <https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1589&context=sjsj>.
- <sup>25</sup> *Harmon vs. Draper* 15 LLR 272 (1963), also citing *Jartu vs. The Estate of Famble Konneh*, 10 LLR 318 (1950) (summarizing its holding "that there is no provision in our law which authorizes a woman married by native customary law to be entitled to the dower of her husband's estate").
- <sup>25</sup> My-Lan Dodd et al., *Women's Land Rights in Liberia in Law, Practice, and Future Reforms: LGSA Women's Land Rights Study* (2018), USAID, pp. 5-12, [https://www.land-links.org/wp-content/uploads/2018/03/USAID\\_Land\\_Tenure\\_LGSA\\_WLR\\_Study\\_Mar-16-2018.pdf](https://www.land-links.org/wp-content/uploads/2018/03/USAID_Land_Tenure_LGSA_WLR_Study_Mar-16-2018.pdf).
- <sup>26</sup> See, e.g. Liberia example in My-Lan Dodd et al., *Women's Land Rights in Liberia in Law, Practice, and Future Reforms: LGSA Women's Land Rights Study* (2018), USAID, pp. 5-12, [https://www.land-links.org/wp-content/uploads/2018/03/USAID\\_Lan](https://www.land-links.org/wp-content/uploads/2018/03/USAID_Lan)
- <sup>27</sup> *Women, Business, and the Law, 2016* (2016), World Bank Group, pp. 13 <https://openknowledge.worldbank.org/bitstream/handle/10986/22546/9781464806773.pdf?sequence=3&isAllowed=y>.
- <sup>28</sup> Nayda L. Almodóvar-Reteguís, *Where in the world do women still face legal barriers to own and administer assets?* (2019), World Bank Blogs, <https://blogs.worldbank.org/opendata/where-world-do-women-still-face-legal-barriers-own-and-administer-assets>.
- <sup>29</sup> Amanda Richardson and Ailey Hughes (2015), *The Link Between Land and Gender-Based Violence*, USAID, <https://www.land-links.org/2015/03/the-link-between-land-and-gender-based-violence/>.
- <sup>30</sup> Renee Giovarelli, *Customary Law, Household Distribution of Wealth and Women's Rights to Land and Property* (2006), *Seattle Journal for Social Justice*, pp. 801, 824, <https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1589&context=sjsj>.
- <sup>31</sup> *Land Rights as a Critical Factor in Donor Agricultural Investments: Constraints and Opportunities for Yield Wise in Kenya's Mango Value Chain* (2018), Landesa, <https://www.landesa.org/wp-content/uploads/Land-Rights-as-a-Critical-Factor-in-Donor-Agricultural-Investments-Jan18.pdf>.
- <sup>32</sup> My-Lan Dodd et al., *Women's Land Rights in Liberia in Law, Practice, and Future Reforms: LGSA Women's Land Rights Study* (2018), USAID, pp. 5-12, [https://www.land-links.org/wp-content/uploads/2018/03/USAID\\_Land\\_Tenure\\_LGSA\\_WLR\\_Study\\_Mar-16-2018.pdf](https://www.land-links.org/wp-content/uploads/2018/03/USAID_Land_Tenure_LGSA_WLR_Study_Mar-16-2018.pdf).
- <sup>33</sup> Subhojit Dey et al., *Health of the Elderly in India: Challenges of Access and Affordability* (2012), in: National Research Council (US) Panel on Policy Research and Data Needs to Meet the Challenge of Aging in Asia, National Institutes of Health, <https://www.ncbi.nlm.nih.gov/books/NBK109208/>.
- <sup>34</sup> My-Lan Dodd et al., *Women's Land Rights in Liberia in Law, Practice, and Future Reforms: LGSA Women's Land Rights Study* (2018), USAID, pp. 5-12, [https://www.land-links.org/wp-content/uploads/2018/03/USAID\\_Land\\_Tenure\\_LGSA\\_WLR\\_Study\\_Mar-16-2018.pdf](https://www.land-links.org/wp-content/uploads/2018/03/USAID_Land_Tenure_LGSA_WLR_Study_Mar-16-2018.pdf); Marty Chen and Jean Dreze, *Recent Research on Widows in India: Workshop and Conference Report* (1995), *Economic and Political Weekly*, <https://www.jstor.org/stable/4403278>.
- <sup>35</sup> *Burkina Faso*, Social Institutions and Gender Index of the OECD (2019), <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/BF.pdf>; *Senegal: Legal Mechanisms of Inheritance/Succession* (2021) (trans.)

---

Gender and Land Rights Database of the Food and Agriculture Organization, [http://www.fao.org/gender-landrights-database/country-profiles/listcountries/nationallegalframework/inheritancelegalmechanisms/fr/?country\\_iso3=SEN](http://www.fao.org/gender-landrights-database/country-profiles/listcountries/nationallegalframework/inheritancelegalmechanisms/fr/?country_iso3=SEN).

- <sup>36</sup> <https://ijmstoragelive.blob.core.windows.net/ijmna/documents/studies/IJM-Property-Grabbing-from-Ugandan-Widows-and-the-Justice-System.pdf?mtime=20210204225629&focal=none>.
- <sup>37</sup> Bharath Kancharla, *Data: 'Elderly Rural Women' the most vulnerable in terms of Economic & Social status* (2021), Factly, <https://factly.in/data-elderly-rural-women-the-most-vulnerable-in-terms-of-economic-social-status/>.
- <sup>38</sup> Subhojit Dey et al., *Health of the Elderly in India: Challenges of Access and Affordability* (2012), in: National Research Council (US) Panel on Policy Research and Data Needs to Meet the Challenge of Aging in Asia, National Institutes of Health, <https://www.ncbi.nlm.nih.gov/books/NBK109208/>.
- <sup>39</sup> Subhojit Dey et al., *Health of the Elderly in India: Challenges of Access and Affordability* (2012), in: National Research Council (US) Panel on Policy Research and Data Needs to Meet the Challenge of Aging in Asia, National Institutes of Health, <https://www.ncbi.nlm.nih.gov/books/NBK109208/>.
- <sup>40</sup> Patricia Malasha, *Traditional leaders in Zambia shift gender norms and strengthen women's land rights* (2021), IIED, <https://www.iied.org/traditional-leaders-zambia-shift-gender-norms-strengthen-womens-land-rights>.
- <sup>41</sup> Tamar Ezer, *Inheritance Law in Tanzania: the Impoverishment of Widows and Daughters* (2020), Tanzania's Women's Legal Aid Centre, <https://www.law.georgetown.edu/wp-content/uploads/2020/07/Inheritance-Law-in-Tanzania-The-Impoverishment-of-Widows-and-Daughters.pdf>.
- <sup>42</sup> There is a dearth of resources focused on SNBC work in the land rights sector, but there are two general resources that we have found to be useful in planning work. First, [The Social Norms Exploration Tool \(SNET\)](#), which was developed by the Institute for Reproductive Health with support from the USAID-funded Passages project. Second, [CARE's Social Analysis and Action Global Implementation Manual \(SAA\)](#) outlines its foundational approach to transforming gender norms. Also, a land-specific social norms course was created for Uganda. The Securing Your Family's Future course for men was developed by UCOBAC (the S4HL Campaign coordinating organization in Uganda) and ICRW to help transform gendered norms on women's land rights. This resource is a good example from two Landesa partners of an SNBC methodology used specifically to address gendered land rights norms.