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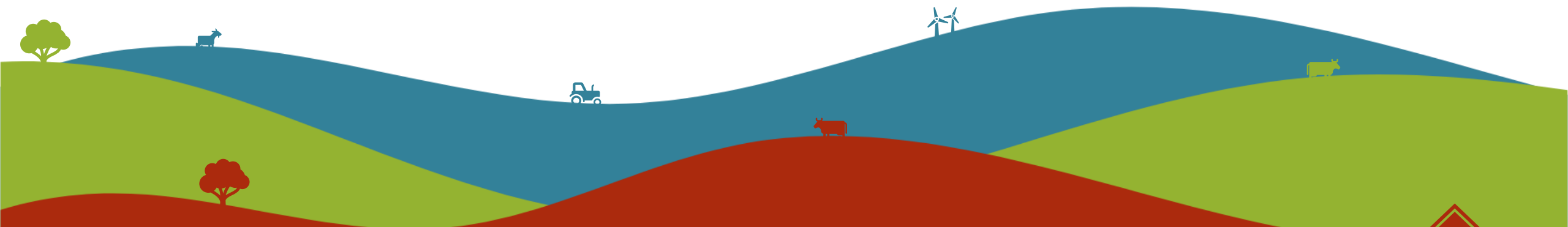


ESCWA Regional Workshop on
Gender Statistics

7 May 2025

Monitoring and reporting on SDG indicator 5.a.2

Women's rights to land in national legal frameworks





1

Introduction to SDG indicator 5.a.2

2030 SDG Agenda: Securing Land Tenure & Promoting Inclusive Land Governance

Land-related indicators provide disaggregated data and statistics that support evidence-based policymaking

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.*



SDG Indicator 5.a.1

Adults' ownership rights to agricultural land: documentation, rights to sell and bequeath.

Target 1.4: Equal Economic Rights



SDG Indicator 1.4.2

Adults with secure tenure rights to land: documentation, and perceived tenure security, by sex and type of tenure (not limited to agricultural land/population)



SDG Indicator 5.a.2

Women and girls' rights to land in national laws, policies and programmes (not limited to agricultural land/population)

Target 5.1 – End discrimination against women and girls



SDG Indicator 5.1.1

Removal of discriminatory laws and adoption of **legal frameworks** that promote, enforce and monitor **gender equality**

SDG 5.a.2 Legal Measures, Data Sources and Score



1. Legal Measures ('Proxies')

Proxy A: Mandatory Joint Registration of Marital Property or the family residence.

Proxy D: Allocations of Financial Resources to Increase Women's Land Ownership in Practice.

Proxy B: Compulsory Spousal Consent for Transactions related to marital property or the family residence.

Proxy C: Equal Inheritance Rights for women and girls in the absence of a will.

Proxy E: Legal Protections for women's land rights under Customary Law.

Proxy F: Mandatory Participation of women in land management and administration institutions.

2. Data Sources

- Marriage, Family Laws and/or Personal Status Laws
- Land Laws
- Policies, Programmes, Implementation measures (Land, Housing, Gender Equality, Agriculture, Climate Change, Rural Development, etc...)
- Constitution



SDG 5.a.2 Process

When?

- Every 4 years **or**
- When major legal/policy reforms happen

Who?

A **Technical Working Group (TWG)** may include:

- NSO and relevant line ministries (e.g. Agriculture, Land, Housing, Justice, Gender, Human Rights)
- Civil society, research institutions, traditional leaders, private sector

Reporting Steps:

1. Appointment of

1. Lead Focal Point
2. Legal Expert
3. TWG Members

2. Training

Legal Expert & TWG on SDG 5.a.2 methodology (FAO-led)

3. Collection & Analysis

Legal Expert gathers data using the standard SDG 5.a.2 questionnaire

4. Review

Legal Expert submits draft to FAO for technical feedback

5. Validation

Lead Focal Point organizes national consultations with stakeholders

6. Submission

Lead Focal Point officially submits validated questionnaire to FAO



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Overview of Legal Measures Supporting SDG 5.a.2 Monitoring

Rationale

- Lack of adequate protection for WLR in **land registration processes**.
- **Gender-neutral laws** often lead to the **registration of men as sole owners** even if community is the default matrimonial property regime.
- Having **documents registered in the names of the husband and wife** can provide crucial protection for women in situation of divorce or widowhood.

Proxy A

Compulsory or Incentivized Joint Registration of Land Jointly Owned by Spouses

In laws, policies, programmes, budgets:

- ✓ **Marital property regimes** for married, de facto, and polygamous couples: **default or presumed community**.
- ✓ An **obligation** or **financial incentives** for joint registration (**waiver or reduction of registration fees, taxes, subsidies, free agricultural training or financial services**) in:
 - Law/policy governing land registration for urban or rural lands, and/or
 - Land consolidation, redistribution, agrarian reform or land formalisation or privatization programmes
- ✗ **One of the two major religious groups** excluded from marital property provisions
- ✗ **Opt-in** or **implied** community of property between spouses (with joint registration being only **a possibility**)

Rationale

- Women often **lack access to credit and financial resources** to acquire land due to discriminatory practices and limited economic opportunities.
- **Despite legal reforms**, social and cultural norms continue to hinder women's land rights.
- Funding can help women overcome **financial barriers, secure land ownership, access resources, invest in their land, and enhance their economic well-being and that of their communities**, regardless of their matrimonial status or property regime.

Proxy D

Allocation of financial resources to improve women's land tenure security

In laws, policies, programmes, budgets:

- ✓ **Main/sole explicit objective** to increase women's access or ownership of (productive resources including) land, regardless of the applicable matrimonial property regime
- ✓ **Women main/sole beneficiaries** even if only certain groups of women.
- ✓ **Credit programme** for rural women or **Waiver/reduction of registration fees, taxes, subsidies, free agricultural training or financial services.**
- ✗ Generic funding commitment to support **women's empowerment or entrepreneurship without a clear link to land.**

Rationale

- Laws can **prevent unilateral decisions by either spouse** by requiring spousal consent for land transactions involving **jointly owned property, or at least the family home**
- This ensures both spouses have **equal rights to make decisions** that affect their financial security and housing.
- It can **shift attitudes** towards women's control over land and the power relations within the household.

Proxy B

Legal Requirements for Spousal Consent in Joint Land Ownership and Family Home Transactions

- ✓ Marital property regimes for married, and polygamous couples: **default or presumed community.**
- ✓ Different types of land in common or joint ownership, or **at least the family home**
- ✓ Land transactions including at least **sale and encumbrance.**
- ✗ Husband is the **head of the household** and **sole manager** of the joint property.
- ✗ **Opt-in, implied, or unclear** spousal consent.
- ✗ One of the two major **religious groups** excluded.

Rationale

- Women face barriers to land acquisition due to gender-based employment disparities, limited access to resources, land allocation practices that favour men.
- Inheritance is one of the main avenues for women to access land property, especially for those who are unmarried, divorced, or widowed.
- However, discriminatory inheritance laws and customs often limit their rights.

Proxy C

Equal Inheritance Rights for Spouses and Children in the Absence of a Will

- ✓ In cases of intestacy, **inheritance rights and shares are equal for spouses and children**, regardless of gender.
- ✓ Spouse should be included **as first-order heirs**, alongside children/before other relatives. **OR**
- ✓ Spouse has explicit and automatic **life-time right to use the family home**
- ✓ When **polygamy** is legal, second and subsequent wives must be equally protected.
- ✗ One of the two **major religious groups** is excluded
- ✗ Succession **rules are unclear** (law is silent, implied equality or refers to customary or religious law).
- ✗ **Different conditions/restrictions** apply to men/boys and women/girls

Rationale

- Formalizing customary land tenure systems **without adequate safeguards** can inadvertently reinforce gender inequalities.
- Powerful groups may manipulate customary norms to **exclude women from land ownership and control** in particular in land administration, management and dispute resolution processes
- To mitigate these risks, legal frameworks must **explicitly recognize and protect women's land rights**.

Proxy E

Legal safeguards for women's land rights under customary law

Constitution and/or Land laws:

- ✓ **Explicitly** recognize **customary land tenure, customary law or institutions** (whether indigenous, traditional, tribal, collective, or individual rights), &
- ✓ Affirm **gender equality and non-discrimination based on sex, &**
- ✓ Ensure that principles of **equality take precedence over customary law in cases of conflict**
- ✗ Recognition of **cultural and linguistic diversity**.
- ✗ Customary law/institutions are **indirectly recognized** or remain subject to limitations set by another instrument.

Rationale

- **Male-dominated land institutions** often hinder women's land rights, leading to **biased outcomes**.
- **Gender norms and stereotypes** limit women's participation in land governance
- Ensuring **women's participation in leadership roles** can empower them, challenge gender norms, and lead to **more equitable and inclusive land policies and practices**.

Proxy F

Legal mandates for women's participation in land management and administration institutions

In the Constitution, Gender Equality Act, Land Acts or regulations (inter alia):



Mandatory female participation (**with a specific quota or number**):

- in **land administration or management bodies**, including dispute resolution mechanisms, **or**
- in **all government bodies** including those tasked with land administration and management,
- though not necessarily at all levels or with a fixed percentage.



Women quotas for **electoral lists, political parties, judiciary bodies**.



Provisions **encouraging** the adoption of quotas

SDG 5.a.2: Computation of the Score



Assessment Method:

- Legal Analysis: Evaluates national laws against six key proxies.
- Equal Weighting: Each proxy contributes equally.
- Scoring: Total "Yes" answers determine the score (max 5).
- Proxy E: Only included if customary law is recognized.

Output:

Results inform legal and policy reforms that are aligned with CEDAW, VGGTs, and national priorities

Results (Proxy E is applicable)	Results (Proxy E not applicable)	Evidence of the level of legal guarantees of women's rights to land ownership or control	Score
0 out of 6	0 out of 5	None	0
1 out of 6	1 out of 5	Very low	1
2 out of 6	2 out of 5	Low	2
3 out of 6	3 out of 5	Medium	3
4 out of 6	4 out of 5	High	4
5 or 6 out of 6	5 out of 5	Very high	5

NB. Methodological refinement—currently pending IAEG-SDG approval—that intends to remove the allowance of statistical data to satisfy proxy D and F thresholds without legal measures, and an inflation of the score by plus 1.



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Status of Reporting of SDG indicator 5.a.2



Status of reporting on SDG 5.a.2 in ESCWA Member States

Report submitted (9):

- Jordan (2019)- **To be updated**
- Qatar (2019)- **To be updated**
- State of Palestine (2021)
- Yemen (2021)
- Lebanon (2022)
- Mauritania (2022)
- Djibouti (2023)
- Oman (2024)
- Morocco (2024)

Process ongoing:

- Iraq, **Validation**
- Somalia, **Ongoing**
- UAE, **Delayed**
- Algeria, **Delayed**
- Egypt, **Delayed**
- Sudan, **Halted**

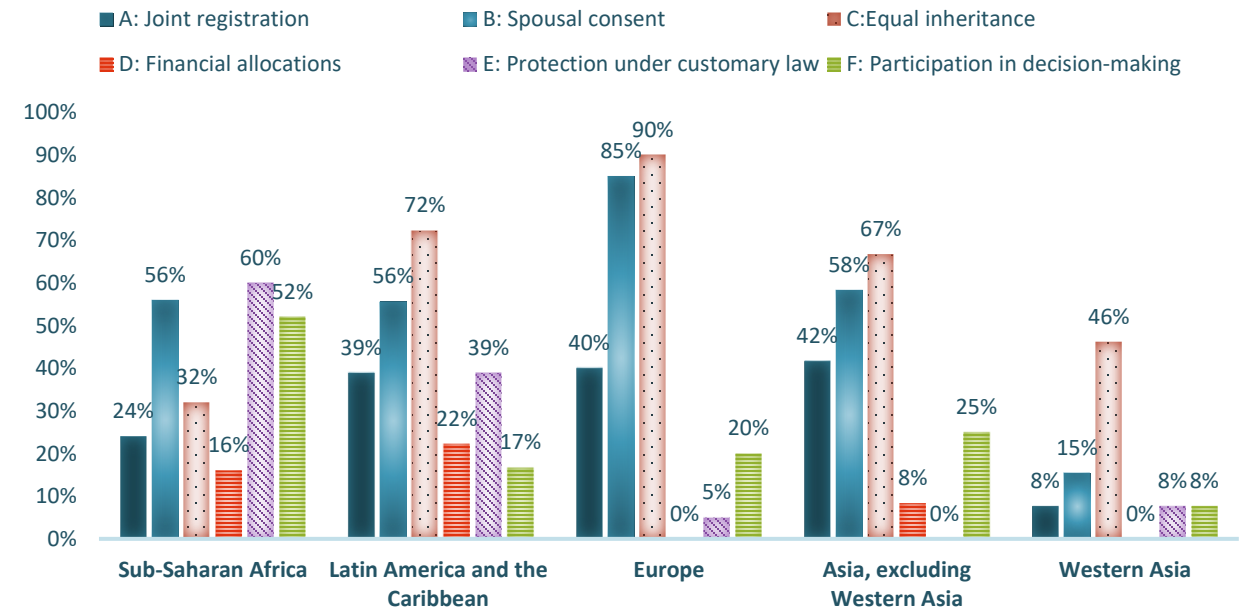
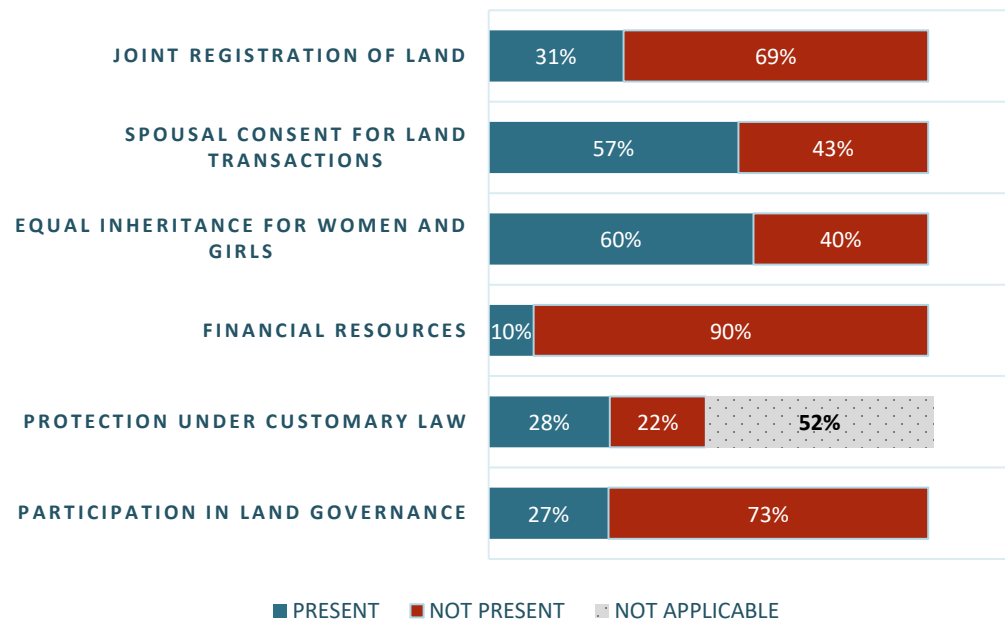
Reporting to be initiated:

- Bahrain
- Kuwait
- Libya
- Saudi Arabia
- Syria
- Tunisia





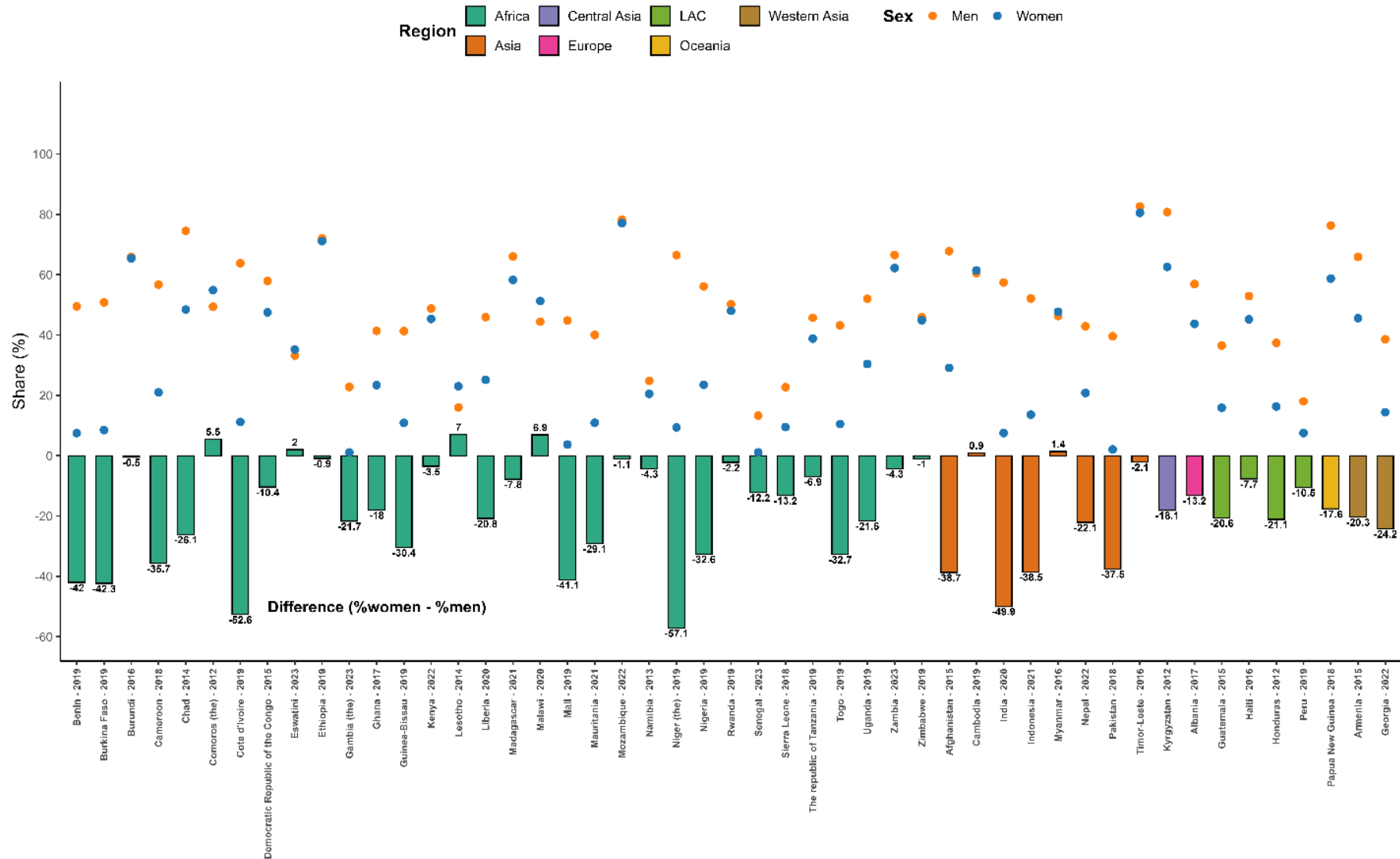
CEDAW & SDG 5.a.2: Gaps in Legal Protection of Women's Rights to Land



Source: FAO unpublished data based on 88 officially submitted SDG indicator 5.a.2 assessment. April 2025.



SDG 5.a.1: Gender Gaps in Women's Agricultural Land Ownership or Secure Tenure Rights



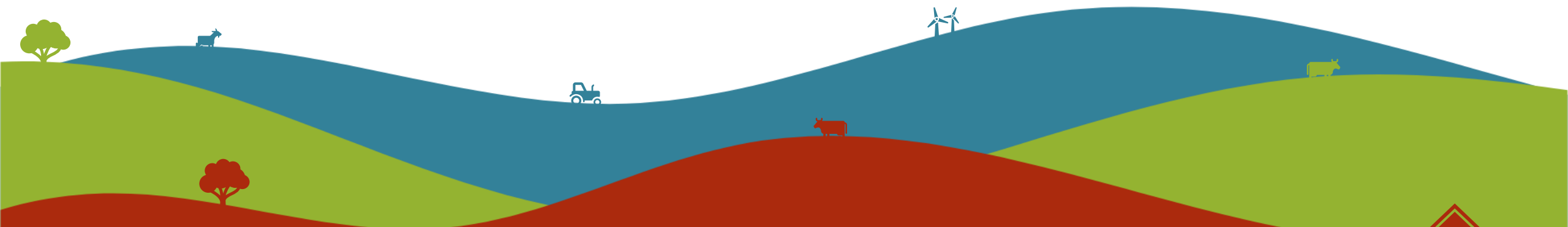
No ESCWA member states reporting on SDG 5.a.1 (Morocco in process)

Source: FAOSTAT (2024). SDG 5.a.1 reports



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Thank you!



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4.

Presentation of the Standard Reporting Questionnaire

R: Legal System



Provides a comprehensive overview of the national legal framework relevant to critical aspects of women's land rights



Ensures accurate and consistent reporting across all proxies

- ✓ **Questions R.1:** General information on the type of legal system
- ✓ **Questions R.2:**
 - ✓ Key aspects of land (land tenure), marriage (matrimonial property regime), and succession (inheritance regime): legally recognized rights for different types of land including marital property.
- ✓ **Answer questions by “Yes/No” (1/0) and specify:**
 - ✓ a. Full name of the legal instrument and date of adoption.
 - ✓ b. Link to the text (online)
 - ✓ c. Title of the relevant article/section.
 - ✓ d. Full text of the relevant article/section.
- ✓ Section dedicated to **additional information** on the legal framework: **ongoing reforms, relevant policies, strategies, and programmes.**

STEP 1 & 2: Assessment of Legal Measures ('Proxies')



Assess national legal framework against the criteria per proxy



Forms the basis for calculating the SDG 5.a.2 score

- ✓ **Proxy A-F questions** are mandatory.
- ✓ **If answer is “Yes” (1):** Please cite applicable legal instruments and justify answer (STEP 1):
 - Each legal instrument should be listed in a **separate box** (boxes may be added as needed)
 - **All applicable instruments** should be cited accordingly, to the extent that data is available
- ✓ **If answer is “Yes with limitations” (1) or “No” (0):** Provide justification and cite relevant legal provisions in the “**Additional Information**” section (STEP 2)
 - Clarify any **exceptions or provisions that are similar to or invalidate** the criteria
 - Cite relevant **policies, programmes, and implementing measures.**