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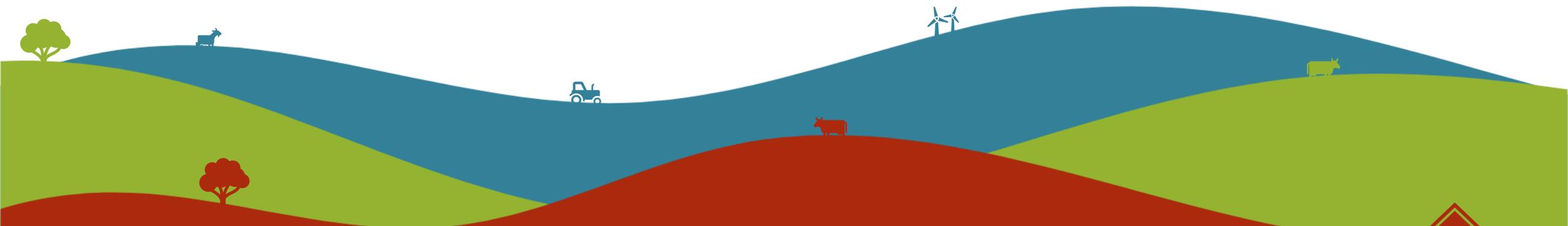


ESCWA Regional Workshop on  
Gender Statistics

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



# 2

## 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.



# 3

## 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**

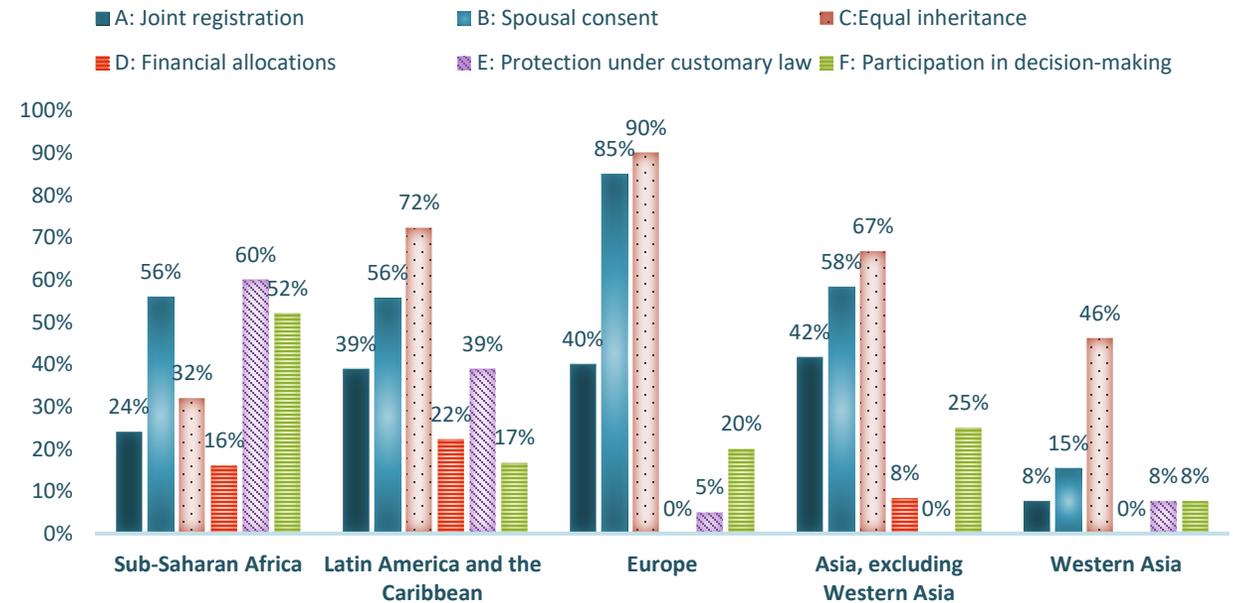
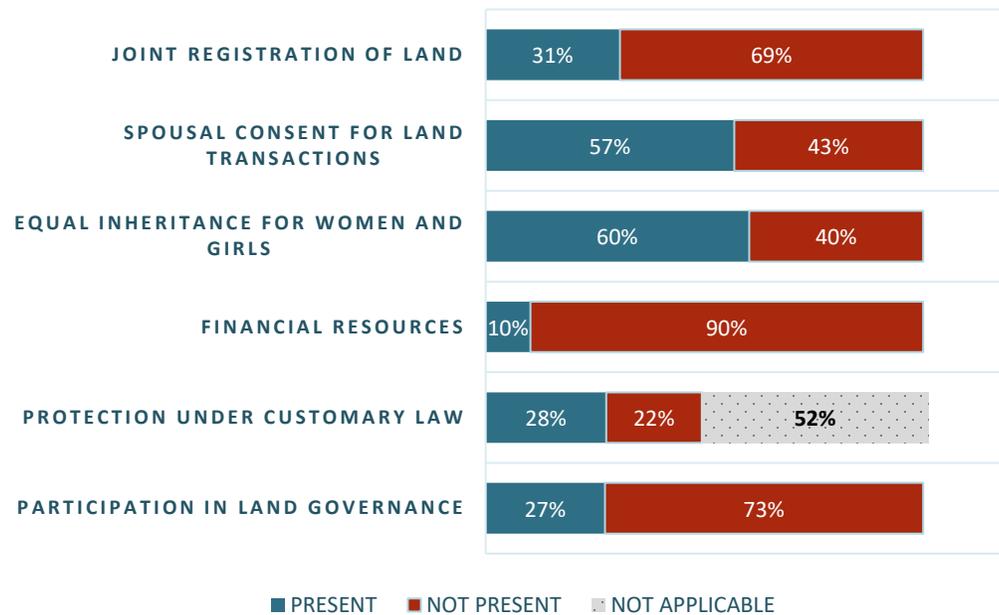
## Reporting to be initiated:

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





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



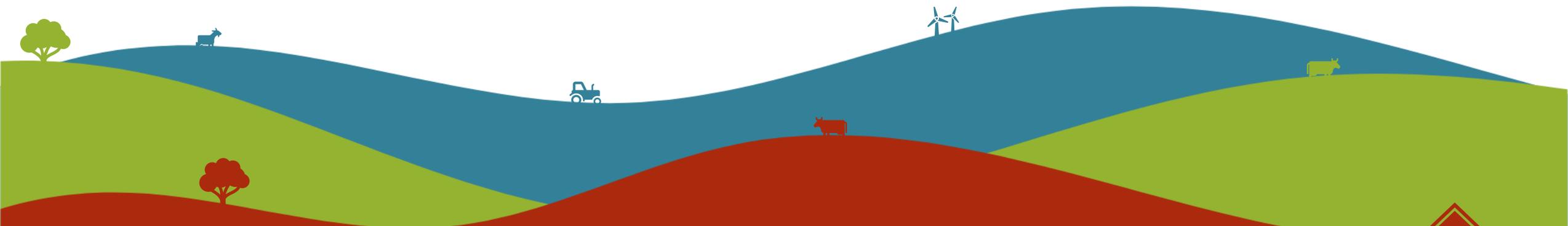
Source: FAO unpublished data based on 88 officially submitted SDG indicator 5.a.2 assessment. April 2025.





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Thank you!



# Contacts:

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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.**