

**NGO CSW Advocacy Research
CSW66 Zero Draft Recommendations Brief
on Legal Barriers to Land Ownership**

Recommendation #6: *The elimination of legal barriers to women, including widows, concerning land ownership, resources and inheritance, to reduce the economic impacts of climate change on girls and women who suffer most from food and water insecurity.*

Relevant UN Precedent Language

CEDAW Part IV, Art. 16 h. land ownership

“The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.”

Actions to be taken Beijing Platform for Action, 165.

“(e) Undertake legislation and administrative reforms to give women equal rights with men to economic resources, including access to ownership and control over land and other forms of property, credit, inheritance, natural resources and control over land and other forms of property, credit, inheritance, natural resources and appropriate new technology;”

UNGA Res. A/RES/76/153 2021.

“**Recalls** the invitation to parties to the Convention to legally recognize rights to equal use and ownership of land for women and the enhancement of as well as the promotion of gender-sensitive measures to combat desertification, land degradation and drought and achieve land degradation neutrality, taking into account the national context.”

UNGA Res. A/RES/76/166 2021 “that women have equal access to resources, including income, land and water and their ownership and agricultural inputs...”

Evidence in Statistical Data and Relevant Reports

UN Women Report. Explainer: What you should know about widowhood, June 2021

“In many countries, widows do not have equal inheritance rights, and they may be stripped of their land, evicted from their home, or even separated from their children. They may be denied access to inheritance, bank accounts, and credit, which can have significant financial impacts for them, their children, and future generations. It is estimated that nearly **one in ten** widows worldwide lives in extreme poverty.”

Turning Promises into Action: Gender Equality in the 2030 Agenda for Sustainable Development

Globally, women are just 13% of agricultural land holders. In Central and Southern Asia nearly 60% of employed women are employed in agriculture sector. SDG 5.a.
Women and girls are responsible for water collection. 88% of the world’s households are without access to water on premises. SDG 6.

Good Practices

FAO Observer Paper for CSW66 Expert Group Meeting, 2021

The Food and Agriculture Organization (FAO) focuses on empowering women in value chains in Small Island Development States (SIDS). The FAO collaborated with the Pacific Community to promote the integration of gender equality and women’s empowerment into climate-resilient agriculture planning and programming in Pacific countries. This involved gender assessments of selected agrifood value chains likely to be affected by climate change risks in several countries.

Landesa: India Supreme Court, August 2020

Daughters have equal birthright to inherit joint Hindu family property; Nigeria Supreme Court upheld right of a female child to inherit properties of her father voiding Igbo customs against this.

World Bank, March 25, 2019: The Global Campaign

“Stand for Her Land” (The World Bank, Landesa, Habitat for Humanity, Huairou Commission, GLTN) aims to bridge the gap between law and practice so that women can realize their equal rights to land. Women in half the

countries in the world are unable to assert land and property rights despite legal protections. “For men and women alike, land is the foundation for security, shelter, and livelihood, supports women’s dignity and creates pathways to empowerment and economic opportunity,” Karol Boudreaux, Landesa. “This campaign is not a top-down effort but rather an approach to strengthening land rights from the ground up,” Violet Shivutse, Kenya, Huairou Commission.

Discriminatory Laws and Lack of Affirmative Policy

Insecure land rights for women threaten progress on gender equality and sustainable development. *Working Group on the issue of discrimination against women in law and in practice (July 2017)*

Women make up on average less than 20 percent of the world’s landholders but make up an estimated 43 percent of the agricultural labor force. Globally, more than 400 million women work in agriculture. In sub-Saharan Africa and South Asia, 60 to 70 percent of employed women work in agriculture. Yet despite women’s crucial role in agriculture, food production, and land-based livelihood, there is no consistent national or global data on the full scope of women’s land rights or access to land to enable them to monitor and enforce their rights. Land and agrarian reform, allocation and titling or registration programmes often target the household, or assign ownership to the “head of household”, most frequently defined as a man. Because women are typically not considered as land-owners or farmers, they are usually excluded from extension and agricultural support programmes and financial credit and loans which are necessary for effective use of land.