

# MEASUREMENT BRIEF: GENDER AND LAND RIGHTS



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## INTRODUCTION

Gender and land rights are closely intertwined with each other. Globally, more than 400 million women work in agriculture. Women comprise 43 percent of the agricultural labor force in developing countries, yet they account for less than 20 percent of landholders (FAO 2011). These disparities are even higher in some regions. In Sub-Saharan Africa and South Asia, 60 to 70 percent of employed women work in agriculture, with similar rates of land ownership (that is, less than 20 percent). Research which examines gender disparities in land ownership in Sub-Saharan Africa using the Demographic and Health Survey (DHS) measures has found that men are three times more likely to claim sole ownership over land than women (Gaddis, Lahoti, and Li 2018).

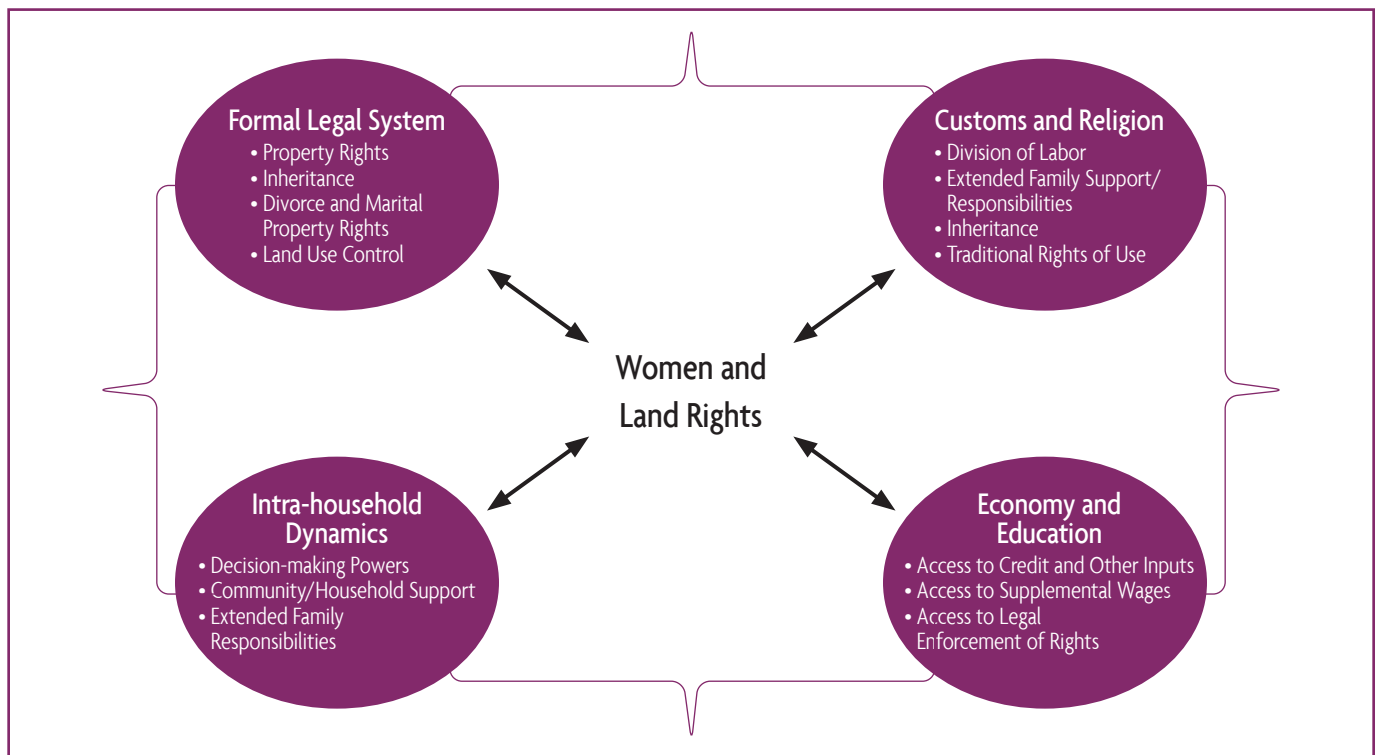
Land ownership provides women with a source of economic stability, which improves health and many other outcomes. Agarwal (1994) argues that it is the single most important factor in determining women's economic success. Several of the goals set by the 2030 Agenda for Sustainable Development, specifically emphasize the importance of women's land rights: Goal One, recognizing women's land rights as an explicit cross-cutting catalyst to ending poverty; Goal Two, seeking to achieve food security and improved nutrition; and; Goal Five, achieving gender equality and women's empowerment. Securing women's right to own and inherit land is essential to achieving gender equity, reducing poverty, and improving the health of families and communities around the world (Council on Foreign Relations 2018).

Despite these goals, in many countries, women do not have land rights independently of their husbands or male relatives because of a variety of reasons, pertaining to institutions, gender norms, the legal system, and intra-household dynamics. The following three issues are central to understanding the interplay between gender and property rights:

1. The source of the land—inherited, acquired through purchase, or state-inherited (Agarwal 2003): Each of these pathways is gendered in ways that disadvantage women. Agarwal argues that the current patriarchal systems of acquisition through the family or market can be overcome by the collective investment of women working together to assume ownership of their own lands.
2. Effective control over the land—even though farming is increasingly becoming feminized, women often do not own the land on which they work (Salcedo-LaVina 2017): If women have no say over the use of the land, it paves the way for the sale or use of the land in a way that provides them no benefit.
3. Intra-household dynamics—it has been observed that often a woman, in order to maintain good relations with the men in her household for ensuring future economic support for herself (particularly if she becomes a widow), has to relinquish her rights over the land (Cain, Khanam, and Nahar 1979).

The complex, multifaceted relationship between women and land rights is schematically represented in Figure 1. Land rights are placed at the center of a diverse set of social institutions and dynamics which are themselves gendered in ways that disadvantage women. In addition to these complex relationships, there are challenges in conceptualizing the measurement of land rights. First, there is a great variation within as well as among countries with respect to land tenure arrangements. Therefore, the task of designing clear conceptual definitions is a complicated one. Secondly, obtaining data

**Figure 1. Women and Land Rights**



Source: FAO (2002): Gender and Access to Land, FAO Land Tenure Series 4.

on land rights disaggregated by gender is difficult because this information is usually not commonly or consistently collected. There is also no standardized measure that clarifies ownership, uses comparison groups, and accounts for jointly owned land (Doss et al. 2013).

## DEFINITION

Land rights have been studied through a variety of methods and it is fitting that researchers use different approaches because the information needed to measure women’s land rights is embedded in the local context. In addition, as Doss et al. 2013 point out, the conceptualization of land rights necessitates defining the concept of ownership. Ownership can be “reported”, as in most surveys, through questions to a respondent, it can be “documented” with official deeds, and it can be classified as “effective” ownership, implying that the person who owns the land makes all decisions about the use and possible sale of the land. These different types of ownership must be specified to ensure an accurate assessment. Further, any existent inequality should be contextualized by comparing the likelihood of ownership by women to that by men within a particular region. Finally, other challenges for researchers are assessing both how much land is jointly owned as well as how much

control women have over these joint parcels.

Land rights can be studied at the macro level in terms of their **quality**, that is, how well-defined land rights are in a particular country; **the strength of the legal recognition**, that is, which rights are formally codified by law; and **enforceability**, that is, implying the likelihood that the state will support women when their rights are disregarded. Micro level components of land rights include use rights, control rights, and transfer rights decided by individuals within the larger context of socio-economic trends and normative traditions.

## Measurement and Main Data Sets

There are several datasets that can be used to understand the state of land ownership today, though none of these datasets includes every country or measures of all the aspects of land ownership.

### *Gender and Land Rights Database*

In 2010, the Gender and Land Rights Database was created by the United Nations body, the Food and Agriculture Organization (FAO). This database includes 84 country profiles, country-level statistics related to land disaggregated by gender, and a legal assessment tool for evaluating where

land law reforms are needed ([GLRD Website](#)). The country profiles include the respective demographic and population information, the national legal framework, ratification status of international treaties and conventions, customary laws and practices, and details of civil society organizations in each country that are working to support equitable land tenure. The statistics used in each country profile in this database come from a variety of sources, including agricultural censuses and Eurostat. This variety can make cross-country comparisons difficult because the country profiles are highly varied; but this reflects the complexity of the topic and the importance of the information being gathered by the database.

Table 1 lists specific examples of the indicators and measurements considered in the [GLRD](#).

### *Demographic and Health Surveys*

The Demographic and Health Surveys are created by USAID and implemented by 90 countries in Asia, Africa, Latin America, the Caribbean, and Eastern Europe ([DHS Program](#)). The survey asks questions about health, family, and labor using four questionnaires: household, biomarker, men, and women. The participants are between the ages of 15 and 49, though mothers are also asked questions about their children’s health and education.

Several suggestions have been made for improving the DHS questions on Land Rights. Critics have argued that the current questions pose a risk of significant under- and over-reporting of land ownership and possession of property deeds because the questions currently asked lack specificity and there has been erratic variation in the results (Stevens 2019). Users of the current DHS Land Right measures

**Table 1: Examples of GLRD Indicators and Measurements of Land Rights**

<b>Area</b>	<b>Indicator</b>	<b>Measurement</b>
A. Legal and Political	Land rights granted by constitutions, statutes, and official tribunals	Is there any law (constitutional or statutory) that gives the right to own land to women? (1-Yes; 5-No) Do laws of this country discriminate on the basis of gender with regard to land rights? (1-Yes; 5-No) Do you have the right to sell any of the agricultural land that you own, either alone or jointly with someone else? (1-Yes; 5-No) Does [Name] have the right to bequeath any of the land you own? (1-Yes;5-No)
	Rights granted by other sources— customary, informal, secondary, temporary, traditional	Do customs/traditions of this country grant the right to own land to women? (1-Yes; 5-No)
	Provisions related to effecting Legal Rights— Entering into Contracts	Do men and women have the ability to conclude contracts under the same basic conditions, rights, and obligations? (1-Yes; 5-No)
	Decentralization of land administration	Is there a decentralized system of land administration services? (1-Yes; 5-No)
	Female representation in land-related institutions	Is there a provision for female quotas/seats in land management committees? (1-Yes; 5-No)
B. Social and Economic	Origins of landholding by gender— Percentage of agricultural land title held by gender	Who holds the land title of agricultural land? 1- Female 2. Male 3. Both 4. Community
	Relative participation in land markets by gender	Who usually makes decisions about buying and selling land? 1. Female 2. Male

Source: FAO 2002.

should examine multiple years to check the validity and reliability of the questions within the country of interest.

### *Global Property Rights Index (Prindex)*

The Global Property Rights Index, popularly known as Prindex, is the first global measure of land and property rights, and was designed to measure how secure people feel regarding the property on which they live. This index is the result of a joint initiative between the Global Land Alliance and the Overseas Development Institute ([Land Portal](#)). Data for this Index has been obtained through a household survey in 33 countries across two waves in 2018 and 2019 for a total sample size of 53,180 ([Prindex](#)). It is important to note the diversity of the sample size for Prindex within each country, ranging from 959 respondents in Liberia to 4,021 respondents in Tanzania. The Prindex questionnaire was adapted to make it country-specific in order to reduce the possibility of ambiguity in responses due to the variations in the state and nature of land ownership in different countries. Please see the sidebar for sample questions for Prindex.

### *Women's Empowerment in Agriculture Index (WEAI)*

This index focuses on three countries (Guatemala, Bangladesh, and Uganda), and measures the impact of the 'Feed the Future' program. It measures the roles and extent of women's engagement in the agriculture sector with two sub-indices: the Gender Empowerment Index and the Gender Parity Index (Malapit et al. 2014). Of these, the first index, named '5DE', is a measure of empowerment in the following five domains: (1) decisions about agricultural production, (2) access to and decision-making power over productive resources, (3) control over use of income, (4) leadership in the community, and (5) time use. Within these five domains, WEAI uses 10 weighted indicators to calculate an empowerment score. The indicators are summarized in Table 2.

The second index provides a gender parity (GPI) score wherein the woman's score on the above dimensions is compared with that of the primary adult male in her household. When she scores at least as high on the 5GE scale as the male, she is considered to have achieved gender parity. The GPI is a proportion of the number of women who have achieved gender parity or surpassed it. The formula for the overall WEAI score is calculated as follows:  $WEAI = (0.90 \times 5DE) + (0.10 \times GPI)$ . See Table 3 for a summary of WEAI's findings.

### THE FOLLOWING QUESTIONS RELATED TO LAND RIGHTS ARE INCLUDED IN THE DHS:

- Household Questionnaire
  - Does any member of this household own agricultural land?
- Individual Questionnaire (Male and Female)
  - Do you own any land either alone or jointly with someone else?
  - Do you have a title deed for any land you own?
  - Is your name on the title deed?

### THE QUESTIONS FOR PRINDEX INCLUDE, BUT ARE NOT LIMITED TO THE FOLLOWING:

- Who owns this property?
- Can you tell me a bit more about the circumstances under which you live here? For example, has the owner or renter of this property agreed that you can live here?
- In the next five years, how likely or unlikely is it that you could lose the right to use this property, or part of this property, against your will?
- Suppose you and your spouse [were to get divorced, your spouse was to pass away, you lost your job]. How worried are you that your spouse would have the right to stay but you would be forced to leave this property under the circumstances?
- What kind of documents do you have, if any, that demonstrate your right to live in this property?
- Do you use this property to earn money or to produce anything to support your household?
- Which of the following [rent out, sell, use as collateral, transfer, decide inheritance] could you decide alone, together with your spouse, or together with somebody else?
- If you could be absolutely certain that you wouldn't lose the right to live in your property in the next 5 years, would you be likely to...?

**Table 2. Summary of WEAI Domains of Empowerment**

Domain	Indicator	Weight
Production decision-making	Input in productive decisions	1/10
	Autonomy in production	1/10
Access to productive resources	Ownership of assets	1/15
	Purchase, sale, or transfer of assets	1/15
	Access to and decision on credit	1/15
Control over use of income	Control over use of income	1/5
Community leadership	Group member	1/10
	Speaking in public	1/10
Time allocation	Workload	1/10
	Leisure	1/10

Source: Malapit et al. 2014.

**Table 3. SDE, GPI and WEAI Scores**

Country	Region	SDE	GPI	WEAI	Ranking
Bangladesh	Asia	0.65	0.80	0.66	Low
Cambodia	Asia	0.98	0.99	0.98 <sup>a</sup>	High
Nepal	Asia	0.79	0.89	0.80	Medium
Tajikistan	Asia	0.68	0.79	0.69	Low
Haiti	Latin America & Caribbean	0.83	0.94	0.85	High
Honduras	Latin America & Caribbean	0.74	0.87	0.75	Medium
Kenya	East Africa	0.71	0.81	0.72	Low
Rwanda	East Africa	0.90	0.96	0.91	High
Uganda	East Africa	0.85	0.92	0.86	High
Ghana	West Africa	0.70	0.81	0.71	Low
Liberia	West Africa	0.66	0.95	0.69	Low
Malawi	Southern Africa	0.83	0.91	0.84	Medium
Zambia	Southern Africa	0.79	0.89	0.80	Medium

Sources: Cambodia Development Resource Institute (2012); ICF International (2012); IFPRI (2012a, 2012b); Kansas State University, Department of Agricultural Economics (2012); Optimal Solutions Group, LLC (2013); Westat (2012a, 2012b, 2012c, 2012d, 2013a, 2013b, 2013c).

Note: <sup>a</sup> Compared to other countries, Cambodia's high WEAI score makes it an outlier in this analysis. Also, data on the public speaking indicator were not collected, thus Cambodia's results should be interpreted with caution and not directly compared to the other countries.

More info on WEAI is available [here](#).

**Table 4. Regional Averages of Agricultural Holders by Sex**

Regions	Percentage of female holders	# countries
Sub-Saharan Africa	15.40	20
North America	15.40	2
Latin America and the Caribbean	18.20	20
Middle East/North Africa	4.90	8
Central, East and South Asia	10.90	14
Europe	27.80	34
Oceania	9.60	6
GLOBAL	12.80	104
DEVELOPING REGIONS ONLY	12.10	68

Source: [FAO Gender and Land Rights Database, 2019](#).

### Current Assessments

The extent of ownership of land and access to it vary greatly across countries, rural and suburban areas, and cultural contexts. The barriers that women face to gaining access to land also vary by different nations and contexts. Data on the percentage of women working in agriculture in each country is available [here](#), but see for general trends by region, see Table 4.

Prindex (2019) has released a report which documents gender differences in formal titles to land across 33 countries, indicating that men are more likely to hold official documents signifying land ownership as compared to women (see Figure 2).

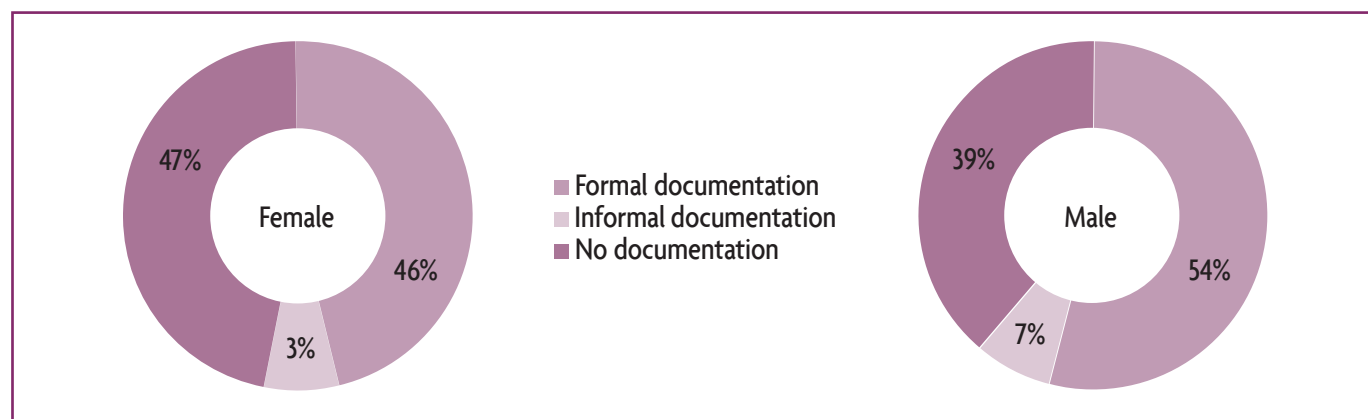
### Future Work

While measurements of women’s empowerment have improved over the last several decades, data on disparities in land ownership is still lacking. We offer the following suggestions to facilitate a better understanding of the areas where women’s land rights need to be improved and ways of doing so.

#### Source of Land

How do women come to be landowners and how can the number of female landowners be increased? Given the debates in the literature surrounding the difficulties in maintaining land rights (Agarwal 2003, Jackson

**Figure 2. Documentation of Property Rights Among Male and Female Respondents**



Source: Prindex 2019.

2003), how are some women able to inherit land and maintain control over it? As discussed above, the local context is becoming increasingly recognized as crucial to understanding land rights. Smaller local studies can be used to elaborate on collective norms surrounding land ownership and inheritance. For example, in order to understand the social norms behind women's inheriting land, the Delhi Metropolitan Area Survey (DMAS) asked the following questions:

1. [If 2 or 3] In your opinion, under what circumstances, is it okay for a daughter to claim her share of ancestral agricultural land inherited by her parents?

Multiple options are allowed. IWER ought to probe.

[Code options: Under no circumstances- 1;  
If she has no brothers - 2;  
If agricultural land is large enough (so that it can be shared)- 3;  
If she is unmarried or separated or divorced and (more generally) needs parental support- 4;  
If brothers do not fulfill the traditional roles attributed to them- 5;  
If she has not been given enough dowry- 6;  
Always claim land- 7  
Other (specify)- 7]

The same question is asked directly to daughters about the circumstances under which they would be likely to claim land. Collecting data on parents' and daughters' attitudes illuminates the social context.

In addition, there is substantial evidence that divorce and spousal death are crucial events that increase women's land insecurity (Prindex 2019). Prindex has also collected data showing that women are less likely to know how to defend their right to property when it is challenged. Further, questions that explore these issues are needed universally.

### *Improved Measures of Decision-making Related to Land*

Ownership of land does not necessarily mean that women have decision-making power over that land. It is important for surveys of land rights to include measures of who makes decisions about the land (UN Women 2013). The DHS

asks a number of questions about decision-making and about land ownership, but not about decision-making specifically related to land. Adding a follow-up question to the existing agricultural land ownership questions could strengthen our understanding of how ownership and control over land interact within cultural contexts.

*How much say did [Name] have when making decisions about: (responses are 1= a lot of say, 2=some say, 3=no say at all)*

- a. purchasing new land?
- b. selling an existing piece of land?
- c. deciding rental payments/price to charge

### *Security of tenure*

Increasing women's security is consistently viewed as a desirable outcome (Prindex 2019; Agarwal 2003; Malapit et al. 2014), but the way forward is not as clear. Prindex data shows that increased titling does not always lead to desired outcomes for women, given that formalization can reduce the customary protections afforded to disadvantaged groups. This does not mean that ensuring that women hold titles is not important, but perhaps more attention needs to be first directed towards strengthening laws surrounding divorce and inheritance so that the implications of titling do not have a deleterious effect. This also means that the scholarship needs a way of consistently defining jointly owned land, which is difficult as laws regarding joint ownership (with implications for inheritance and divorce) can vary by region and country (Salcedo-LaVina 2017). This is why it is imperative to devise an in-depth measure of joint ownership to accurately ascertain women's status consistently.

In closing women's land rights are central to their overall sense of empowerment and yet greater reliability is needed in data collection. Large strides have been made in the past few years with regard to the availability of data but continued investment over time will allow for a deeper understanding of how social norms, institutions, legal systems, and family dynamics can improve the status of women's shares in land ownership and responsibility in comparison to men.



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