

Empowerment of rural women, gender responsive land policies and the implementation of SDG indicator 5.a.2 in Central Asia and beyond

Good practices and lessons learned

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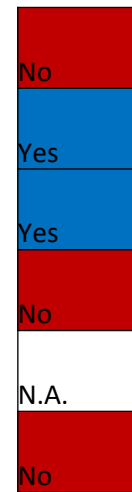
Despite progress, protections of women's land rights in the law are at most low, *2 proxies (score 3)*, in 52% of the 74 reporting countries

Number of proxies present	Score*	Level of protection**	No. of countries (n=74)
0	1	None	16%
1	2	Very low	11%
2	3	Low	25%
3	4	Medium	20%
4	5	High	22%
5 or 6	6	Very high	7%

Regional SDG 5.a.2 results compared to global results, *by proxy*

- Spousal consent requirements & equal inheritance, **most common proxies in the region**, Azerbaijan, Belarus, Lithuania, Moldova, Russia, Turkmenistan Uzbekistan, and for most of them the **only proxies**.
- Absence of temporary special measures, including the relatively common quotas
- No formal recognition of customary law

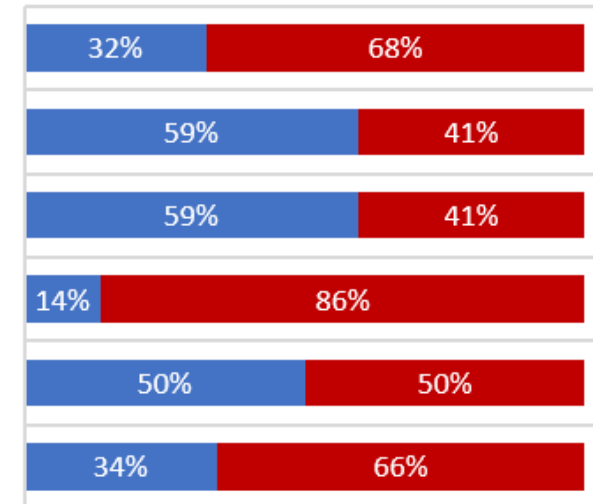
The vast majority of the post-Soviet states having reporting* & Türkiye



JOINT REGISTRATION OF LAND
 SPOUSAL CONSENT FOR LAND TRANSACTIONS
 EQUAL INHERITANCE FOR WOMEN AND GIRLS
 FINANCIAL RESOURCES**
 PROTECTION UNDER CUSTOMARY LAW*
 PARTICIPATION IN LAND GOVERNANCE**

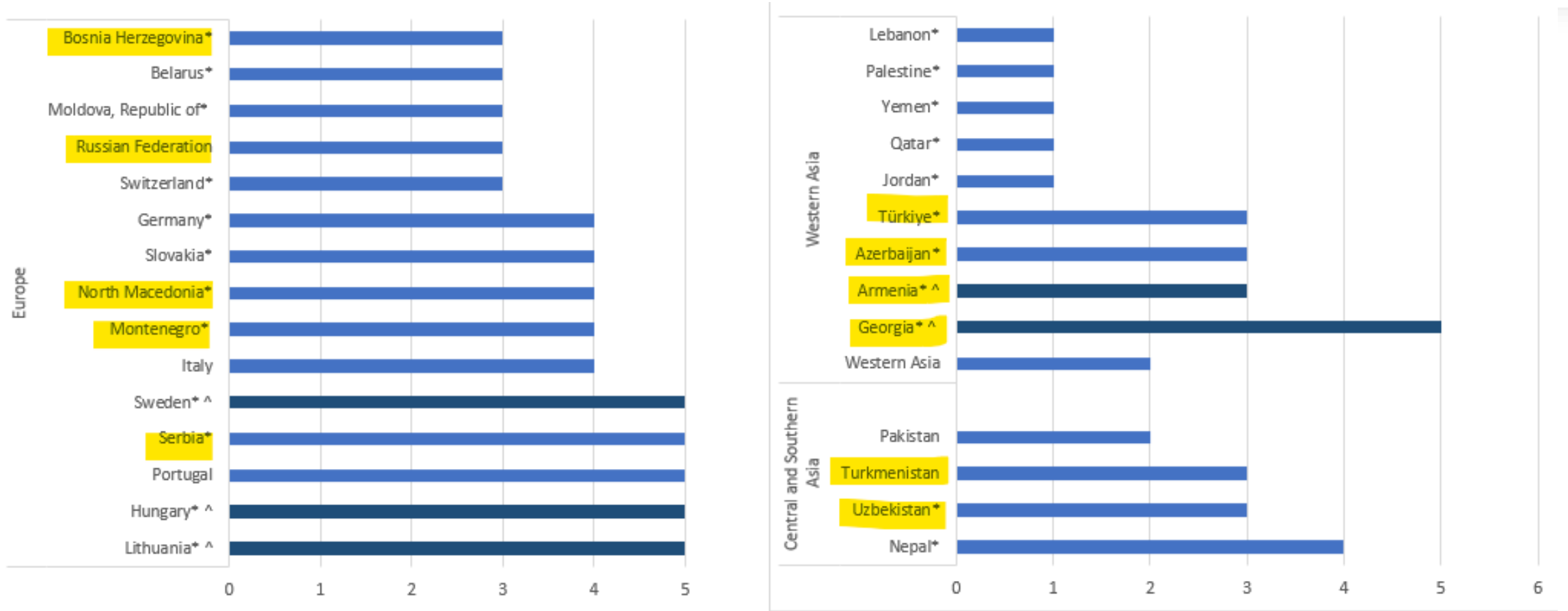
Global results

■ PRESENT ■ NOT PRESENT



*Armenia, Azerbaijan, Belarus, Georgia, Lithuania, Moldova, Russia, Uzbekistan and Turkmenistan

Legal protections of women's land rights in Central Asia, *by score*, compared to those in other countries in Europe and Western Asia



Not measured: the implementation and enforcement of laws, except through the existence of programmes, and therefore the collection of statistical data and information on other SDG indicators including 16 is important

Good Practices SDG indicator 5.a.2

Marital property and Joint Registration

Default marital property regime and presumptions of community

- **Georgia:** Family Law: Default marital property is community;
- **Lithuania:** Civil Code: Default marital property is community *and* presumptions of community in marriage
- **Türkiye** (insufficient to reach threshold): The 2002 Civil Law has strengthened the rights of married women: the husband is no longer the head of the household; spouses direct the union together and have equal status within marriage, whilst men are no longer legally obligated to financially provide for the family.

Joint registration

- **Georgia:** Law on the Improvement of Cadastral Data and the Procedure for Systematic and Sporadic Registration of Rights on Land Plots: Registration of co-ownership rights on land parcels on the names of the household members
- **Lithuania:** Civil Code: Obligation to register both spouses as the owners in the public register.
- **Türkiye** (insufficient to reach threshold): Possibility to request joint registration of family residence in the land registry.

Other countries do not establish mandatory joint registration in the name of both husband and the wife, nor financial incentives to do so, despite community of property in marriage often being the default rule

Good Practices SDG indicator 5.a.2

Management of common marital property

Consent requirements

- **Azerbaijan:** Civil Code: *Without consent of spouse, contracts made on property rights registered in the state registry of jointly owned immovable property, shall be considered **invalid***
- **Serbia:** Civil Code: *Common-law **partners in consensual union** have joint property during cohabitation and the spousal consent requirement is equally applicable to them.*
- **Hungary:** Civil Code: *Community of property, presumptions, obligation of joint management, spousal consent for transactions *real estate including the family home**
- **Lithuania:** Civil Code: *Spousal consent for *immovable considered to be a family asset**
- **Turkmenistan:** Family Code: *Spousal consent for transaction on the disposal of *real estate and a transaction requiring notarization and (or) registration (...)**
- **Uzbekistan:** Family Code: *Spousal consent for a transaction involved in the disposal of a *joint real property registered in his name**

Different levels of protections depending on the type of asset protected, the type of remedies offered, and their scope of application (formal marriage or also de facto spouses)

Good Practices SDG indicator 5.a.2

Family and Inheritance matters

- **Uzbekistan, Turkmenistan, Armenia, Georgia** : Civil Code, Inheritance law: The decedent's children and spouse are among first rank heirs with a right to equal shares.
- **Armenia & Georgia:** Preferential right to receive the family home in the division of the estate
- Many countries in **Latin America, the Western Balkans & Ethiopia:** Some of the provisions governing marital property and inheritance are equally applicable to *de facto* couples

Considering the available data on perceived tenure security in case of spousal death showing considerable gender gaps in the region (see Prindex data), measures aimed at improving the implementation and enforcement of the inheritance laws are to be considered.

Good Practices SDG indicator 5.a.2

Temporary special measures (CEDAW)

Financial Allocations to increase women's de facto land ownership or tenure security

- **Nepal:** Financial Bills: 25 % tax exemption in land registration for women, plus 10% for single women and widows. An additional 19.5% tax is exempted in land registration on transferring the ownership within three generations of daughter or granddaughter
- **Mali,** Agricultural orientation law: Increasing women's access to productive assets including through special technical or financial support mechanisms; specific subsidies from central or local authorities to start working in the agricultural sector.
- **Burkina Faso** (insufficient to reach the threshold): Allocation of a minimum 30% quota of developed land owned by the State and local authorities to women, but no ongoing programmes to implement the measure.

Women's representation and participation in land administration and management

- **Mongolia:** Gender Equality law: 40-60 % ratio including senior officials in public service, obligations to ensure implementation through policies, measures, programmes, and (human resource)plans
- **Mali,** Gender equality & land laws : 30 % quota for all institutions & decentralized land commissions.
- **Serbia,** Different legal instruments: Obligation of public authorities to apply affirmative measures (30% quota) in accordance with the Civil Servants Act and the Law on State Administration

Lessons Learned

- Reporting on **SDG 5.a.2** supports the **implementation of the SDG Agenda as a whole**, as gender equality helps achieve **all 17 SDGs**.
- The process for reporting SDG 5.a.2 requires the **engagement of and collaboration between high-level focal points within multiple ministries**, each for the different aspects
- The methodology has been developed based **on internationally recognized good practices (CEDAW and VGGT)** and may pose **some constraints**, but this should not stop countries from reporting as good practices go undocumented and cannot be disseminated
- **SDG 5.a.1, 5.a.2 and 1.4.2 data** (complemented with **other relevant data sets such as SDG 5.1.1 and Prindex data**) has **different uses across multiple contexts** which are applicable *regardless of the number of proxies found in a country*:
 1. Educate and raise awareness,
 2. Reporting on commitments (ex. CEDAW),
 3. Policies and programmes (ex. Senegal, Mauritania, Sierra Leone)
 4. Advocate for change based on national context
 5. Research and further analysis.

TARGET

5 ▶ A



**EQUAL RIGHTS TO
ECONOMIC RESOURCES,
PROPERTY OWNERSHIP
AND FINANCIAL
SERVICES**

Conclusion

- SDG 5.a.2 assessment provides a **baseline against which progress can be measured, facilitates reporting** for instance to Committee on the Elimination of Discrimination against Women and **evidence-based decision making**.
- The importance of Goal 5 for sustainable development and the achievement of other goals of the 2030 Agenda, including **SDGs 1, 2, 6, 10, 11, 15 and 16**, with advancements benefitting women, households and communities.
- For SDG 5.a.1 : A need for **greater data availability, harmonization over time and across countries in line with the agreed 5.a.1 methodology**
- **Input for comprehensive strategy** for tackling major obstacles women face when they want to exercise, defend and enforce their rights to marital property, inheritance and



Thank you for your kind attention!

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Why increase the security of women's ownership and control of land?



Women's empowerment



Investment and productivity



Better management of natural resources



Equal access to services and institutions



Economic and environmental resilience



Food security



Women's bargaining power



Violence against women

High concentration in **low-paid and unskilled jobs**, in particular in the **agricultural sector**;

Limited economic empowerment, in particular in **rural** areas

Discrimination against women **in gaining access to land ownership and registration**

Lack legal protections of the economic rights, including with regard to property, of women in **polygamous or de facto unions**

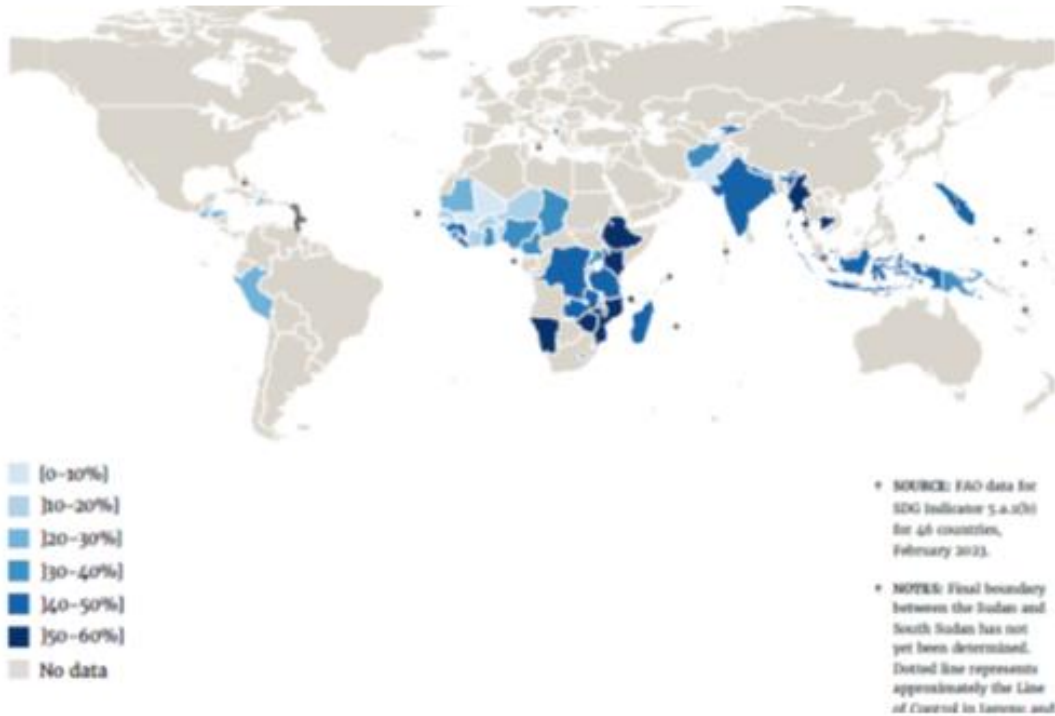
Inability to obtain proper housing registration documents in **urban** housing programmes

Challenges for rural women to access **basic services, social benefits, income-generating opportunities** and with regard to **participation in decision-making** processes

Men have greater ownership of land than women in 40 out of 46 countries, including in Kyrgyzstan as the only country in Central Asia for which 5.a.1 data is available

SDG indicator 5.a.1 b

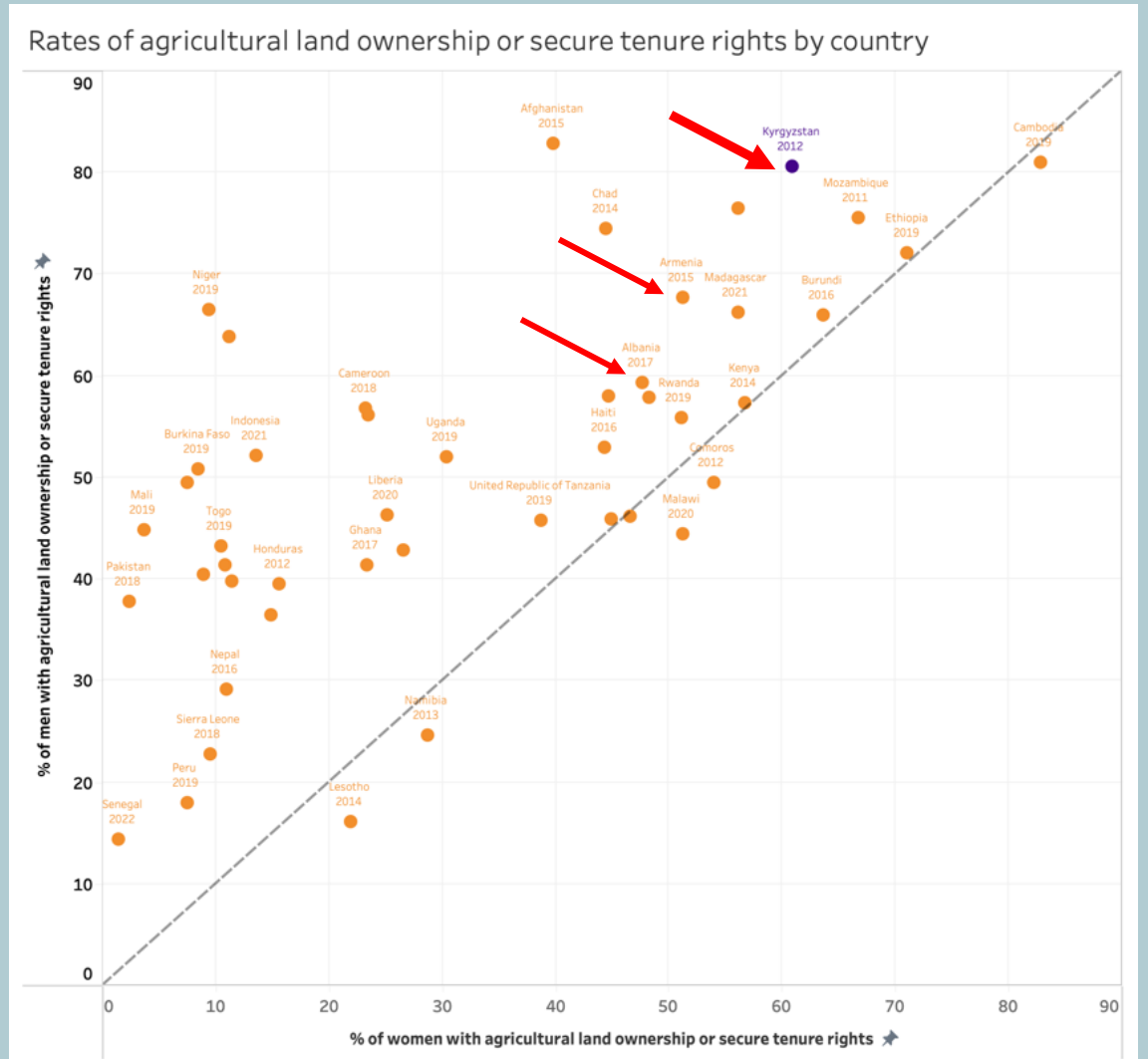
Proportion of women among all agricultural landowners or holders of rights to agricultural land



SDG indicator 5.a.1

Percentage of secure rights to agricultural land held by men compared to women

Limited data availability in Central Asia, and limited evidence of progress.



Status of reporting on SDG 5.a.2 in Central Asia *(December 2023)*

Report submitted

- Uzbekistan (2019)- **To be updated**
- Turkmenistan (2023)- **Validated**

Process ongoing

- Kazakhstan, **Ongoing**
(first draft received)
- Kyrgyzstan, **Ongoing**
(first draft received)
- Tajikistan, **Ongoing**



Globally, **74 countries** have officially submitted reports on SDG 5.a.2 of which **2 out of 5 countries** in the Central Asia region.

FAO's role in advancing women's land rights through SDG 5.a data reporting

Support collection and dissemination of data on the protection of women's land rights in national laws, policies and programmes as per SDG 5.a.2

By strengthening **capacities**, raising **awareness** and supporting **policy uptake** of lessons learned and good practices

A selection of resources

- FAO report on [the Status of Women in agrifood systems](#) including a section on SDG indicator 5.a.2 and 5.a.1
- SDG 5.a.2 [methodology](#), [e-learning](#), and [reporting questionnaire](#)
- SDG 1.4.2 and 5.a.1 [methodology](#) and 5.a.1 [e-learning](#)
- Gender-sensitive programmes on land in line with the [Voluntary Guidelines on the Responsible Governance of Tenure of Land](#), Fisheries and Forests in the Context of National Food Security,
- [CFS Voluntary Guidelines on Gender Equality and Women's and Girls' Empowerment](#) in the Context of Food Security and Nutrition
- FAO's support to [multi-stakeholder platforms](#) (MSPs) and the Global Land Observatory Initiative
- [Gender-Lex](#) for inter alia accessible legislation and gender snapshots for key areas of law
- [Focus on governance](#) for more effective policy and technical support
- [Gender Transformative Approaches](#) for Food Security and Nutrition
- The JP GTA '[Compendium of 15 good practices](#)' published in 2020