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Women's right to land access in Morocco: SDG Indicators 5.a.1 and 5.a.2

ZAROUALI SAID SAGHIR

Head of the Division of Agricultural Programmes and Rural Development

High Commission for Planning – Kingdom of Morocco

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Presentation Outline

- 1. National Context**
- 2. SDG Indicator 5.a.1**
- 3. SDG Indicator 5.a.2**
- 4. Conclusion**

The High Commission for Planning (HCP) is responsible for reporting on Morocco's national SDG report.

The HCP has carried out several statistical works, in partnership with national institutions and relevant United Nations agencies, to improve Morocco's ranking.

In this regard, two studies have been conducted on **women's land access rights**, in connection with **SDG 5**, particularly **targets 5.a.1 and 5.a.2**.

Indicator 5.a.1: Integration of a new module in the **National Living Standards Survey (2022/2023)** in partnership with **UN Women** and **UN-Habitat**.

Indicator 5.a.2: Consultations carried out in partnership with the **FAO**.

5.a.1:

"To undertake reforms to give women equal rights to economic resources, including access to ownership and control over land and other forms of property, financial services, inheritance, and natural resources, in accordance with national laws."

Indicator 5.a.1

Indicator 5.a.1

- National Household Living Standards Survey (ENNVM 2023)

- Study on Gender Inequalities through the Lens of the Sustainable Development Goals in Morocco, March 2025

Extract from Chapter 14 of the ENV Questionnaire

1	2	3	4	5	6
لكل أفراد الأسرة البالغين 18 سنة فما فوق					
الرقم الترتيبي للفرد	هل يملك (...), بمفرده او بشراكة، أرضا فلاحية او يتوفر على حقوق استغلالها ولو قطعة أرضية واحدة خلال 12 شهرا الماضية؟ 1. نعم ... 3 / لا 0 -- > الفرد الموالي	هل لدى (...) وثيقة قانونية تثبت حقوق الملكية أو حقوق الاستغلال ولو قطعة أرضية واحدة ؟ 1. نعم 4 / 2. لا 5	هل اسم (...) يوجد في الوثيقة تثبت حقوق الملكية أو حقوق الاستغلال ؟ 1. نعم ... الفرد الموالي. 2. لا 5	هل لدى (...) الحق في بيع إحدى الأراضي. 1 نعم... الفرد الموالي 2 لا 6	هل لدى (...) يتمتع بحرية التصرف في هذه الأراضي 1. نعم ... الفرد الموالي 2. لا الفرد الموالي
Numéro de série individuel	(...), seul ou en partenariat, a-t-il possédé des terres agricoles ou a-t-il eu le droit de les exploiter, même sur une seule parcelle, au cours des 12 derniers mois ? 1. Oui... 3 Non... 0 -- < La personne suivante	(...) possède-t-il un document légal prouvant ses droits de propriété ou d'exploitation, même sur une seule parcelle ? Oui... 42. Non... 5	Le nom de (...) figure-t-il sur le document prouvant ses droits de propriété ou d'exploitation ? 1. Oui... La personne suivante 2. Non... 5	(...) a-t-il le droit de vendre l'une des parcelles ? 1. Oui... La personne suivante 2. Non... 6	(...) a-t-il la liberté de disposer de ces terres ? 1. Oui... La personne suivante 2. Non... La personne suivante
1					
....					

The study notably made it possible to estimate indicators **5.a.1a** and **5.a.1b**, relating to women's access to land rights in accordance with established international frameworks.

5.a.1: “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.”

Sub-indicator 5.a.1 (a)

Sub-indicator 5.a.1 (b)

- **Indicator 5.a.1** consists of two distinct sub-indicators, each designed to shed light on gender dynamics in access to land rights:
- **Sub-indicator 5.a.1 (a):** Measures the proportion of the agricultural population, by sex, with ownership or legally recognized rights to agricultural land. It aims to quantify access to land rights for the entire agricultural population.
- **Sub-indicator 5.a.1 (b):** Focuses specifically on the proportion of women among holders of ownership or secure rights over agricultural land, providing a more detailed view of women's share in the distribution of such rights.

- The estimation of **Indicator 5.a.1** is based on data from national agricultural surveys and censuses used to measure the distribution of land rights between men and women.
- These data include information on the agricultural population (owners, operators, and agricultural workers) and on land rights formalized through ownership titles or certificates.
- They make it possible to assess equality of access to land and agricultural resources by identifying gender gaps and analyzing the security of land tenure.
- In **Morocco**, the **2022–2023 National Household Living Standards Survey (HCP)** includes a specific module to collect detailed data on this indicator.
- This module covers property rights, secure access to land, land transfer, and gender inequalities, by asking questions to each household member.
- The information collected allows for an accurate estimation of sub-indicators **5.a.1a** and **5.a.1b**.

Results

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Proportion of the total agricultural population with ownership or secure rights over agricultural land, by sex

Indicator 5.a.1a: Proportion of the total agricultural population with ownership or secure rights over agricultural land	Property rights	Males	Females	National
	With	63,2%	93,1%	77,7%
	Without	36,8%	6,9%	22,3%
Source: HCP, National Household Living Standards Survey 2022–2023	Total	100%	100%	100%

- A deeply **unequal distribution of land rights between men and women** is observed: 22.3% of the total agricultural population hold ownership or secure rights over agricultural land.
- Men are almost **five times more likely than women** to possess land rights: **36.8% of men** have such rights, compared to only **6.9% of women**.
- This reflects a **structural inequality** in women’s access to land ownership, which hinders their economic autonomy and capacity to invest in agricultural projects.
- The **imbalance in land resource distribution** also limits opportunities for women, particularly in rural areas.

❑ The results show that **household wealth level**, measured by expenditure, strongly influences access to land rights within the agricultural population.

❑ The proportion of people holding land rights increases with living standards:

- **34.7%** of individuals from the **wealthiest 10% of households** hold land rights,
- compared to only **16.8%** among the **poorest 10%**.
- For men, this correlation is particularly marked: **53.9%** of men from the richest households possess land rights, versus **29.3%** among the poorest.

Women remain **significantly disadvantaged**, regardless of social class. Even in the highest income decile, only **13% of women** hold land rights.

Among those with secure land rights, **women represent only 15%** of landowners or holders of secure tenure rights, compared to **85% for men**.

SDG Indicator 5.a.2

- Indicator **5.a.2** analyzes the extent to which a country's **policy and legal framework** promotes **gender-equitable land tenure systems**.
- As this indicator is **not directly measurable**, **six proxies** have been identified to assess the progress achieved under this indicator.

The **proxies** address some of the main **constraints faced by women** in securing and protecting their land rights.

Responsible Institution

National governments must **designate a national entity** responsible for data collection and monitoring of **Indicator 5.a.2**.

Given the cross-cutting themes this indicator covers, the most appropriate national institutions to assume this responsibility are those **linked to land administration**.

Data Sources

The sources used to measure Indicator 5.a.2 include the **official versions of national policies, primary and secondary legislation**, all of which must be **published and publicly accessible**.

Relevant laws include those relating to:

- Land tenure
- Family and marriage
- Inheritance
- Land registration
- Gender equality
- Constitution
- Agrarian reform

Measuring Indicator 5.a.2 at the national level is **straightforward and relatively quick**. A **legal expert** analyzes the legal framework and completes the **FAO-prepared methodological questionnaire**.

The results of the assessment are then **verified and validated** by the responsible entity before being **submitted to FAO for quality control**.

Main Objective

- To report on **SDG Indicator 5.a.2**: *“Proportion of countries where the legal framework (including customary law) guarantees women equal rights to ownership and/or control over land compared to men.”*
- The aim is to **analyze the extent to which the national policy and legal framework promotes gender-equitable land tenure systems.**

Specific Objectives

- Collect all relevant **policy and legal documents**;
- Produce a **report** based on the **study’s proxy indicators**;
- **Validate** the report with the **national focal point**;
- **Submit** the validated report to **FAO** for quality control;
- Transmit the **final questionnaire** through the **responsible institution** to FAO.

- **ANALYTICAL APPROACH:**

- Analyze the national land tenure system
- Highlight the distinction between land regimes and land status categories

SDG

Indicator

5.a.2

- Present the different land strategies in Morocco, including:
 - **Political measures and orientations**
 - **Legislative measures**
 - **Regulatory measures**
- Analyze the legal framework and the constraints faced by women in accessing land
- Assess the level of gender equality in land access.

METHODOLOGICAL FRAMEWORK:

1. Conduct a documentary review:

- Land tenure systems in Morocco: state of the art and challenges
- Potential actors involved in the production and use of land data
- Land tenure security: policies and measures for securing land rights

2. Compile all relevant policy and legal instruments in collaboration with national institutions

3. Assess SDG Indicator 5.a.2 in accordance with its official methodological guidelines

4. Coordinate with the national focal point and the **FAO technical team**

5. Validate the results

General Reform Initiatives and References:

1. National Debate on Housing (2000)
2. National Debate on Territorial Planning (2001)
3. Debates on the Urban Planning Code (2006)
4. National Debate on Urban Policy (2012)

DOCUMENTARY REVIEW:

Land-Specific Reform Initiatives and References:

1. National Conference on Collective Lands (2014)
2. National Conference on State Land Policy (2015)
3. National Land Management Strategy (Ministry of Urbanism, ATPV, 2019)
4. Study by the Economic, Social and Environmental Council (CESE, 2020)
5. Land Systems in North Africa (NELGA, 2021)
6. Integrated Multi-Purpose Economic Cadastre Information System – *MCA Morocco & ANCFCC (2022)*

DOCUMENTARY REVIEW:

Configuration of the Moroccan Land Tenure System:

1. Analysis of land regimes and tenure systems
2. Study of tools and mechanisms for land tenure security
3. Examination of principles of equality and equity:
 - Primary legislation
 - Regulatory framework
 - Special decisions, notes, and actions

DOCUMENTARY REVIEW:

Missions, Actors, and Intervention Frameworks:

- 1. Missions and intervention frameworks in land management:**
 - Land governance**
 - Land tenure security**
 - Land development and enhancement**
- 2. Land stakeholders according to their roles**
- 3. Stakeholders' roles in relation to the requirements of the 2030**

Agenda

DOCUMENTARY REVIEW:

Missions, Actors, and Intervention Frameworks:

1. Governance Mission:

Public Actors:

- **Ministry of Finance**
- **Ministry of Religious Endowments (Habous)**
- **Ministry of Interior**
- **Ministry of Agriculture**
- **Local Authorities**
- **Urban Agencies**

Political Actors:

- **The two chambers of Parliament**

DOCUMENTARY REVIEW:

Missions, Actors, and Intervention Frameworks:

2. Security Mission:

- **Public Actors:**
 - ✓ ANCFCC (National Agency of Land Conservation, Cadastre and Cartography)
 - ✓ Ministry of Justice
- **Professional Actors:**
 - ✓ Professional Associations: Surveyors, Architects, Notaries, Lawyers, *Adoul* (Islamic notaries)
- **Political Actors (Decision-Making):**
 - ✓ The two chambers of Parliament

DOCUMENTARY REVIEW:

Missions, Actors, and Intervention Frameworks:

3. Mission of Land Development and Enhancement:

▪ **Public Actors:**

- ✓ Urban Agencies
- ✓ Ministry of Agriculture
- ✓ Ministry of the Interior
- ✓ Local Authorities

▪ **Socio-economic Actors:**

- ✓ Real Estate Development and Promotion Agency
- ✓ Banks
- ✓ Private Developers
- ✓ Individuals

▪ **Political Actors:**

- ✓ Economic, Social and Environmental Council (CESE)
- ✓ High Commission for Planning (HCP)

QUESTIONNAIRE : Indicator 5 - a - 2

SECTION 1: GENERAL INSTRUCTIONS

SECTION 2: LEGAL ASSESSMENT

Proxy A: Is joint land registration mandatory or encouraged through economic incentives?

Proxy B: Does the legal and policy framework require the consent of one spouse for land transactions?

Proxy C: Does the legal and policy framework support the rights of women and girls to inheritance?

Proxy D: Does the legal and policy framework provide for the allocation of financial resources to increase women's land ownership and control?

Proxy E: In legal systems that recognize customary tenure, does the law explicitly protect women's land rights?

Proxy F: Does the legal and policy framework require the participation of women in land administration and management institutions?

RESULTS OF THE QUESTIONNAIRE :

Constitution 2011 – promulgated by Dahir n°1.11.91/ 29 july 2011

➤ **Article 19**

Men and women shall enjoy equal rights and freedoms — civil, political, economic, social, cultural, and environmental — as set forth in this Title and in other provisions of the Constitution, as well as in international conventions and covenants duly ratified by the Kingdom, in accordance with the Constitution, the fundamental principles, and the laws of the Kingdom.

The Moroccan State works toward achieving parity between men and women.

To this end, an Authority for Parity and the Fight Against All Forms of Discrimination shall be established.

✓ **Article 21**

Everyone has the right to the security of their person, their family, and their property.

Public authorities shall ensure the security of the population and of the national territory, while respecting the liberties and fundamental rights guaranteed to all.

RESULTS OF THE QUESTIONNAIRE :

Constitution 2011 – promulgated by Dahir n°1.11.91/ 29 July 2011

✓ **Article 27**

Female and male citizens have the right to access information held by public administrations, elected institutions, and bodies entrusted with a public service mission.

The right to information may be restricted only by law, in order to protect matters relating to national defense, internal and external state security, and individuals' private lives, to prevent infringement of the rights and freedoms set out in this Constitution, and to protect sources and areas expressly defined by law.

✓ **Article 31**

The State, public institutions, and local authorities shall work to mobilize all available means to ensure equal access for female and male citizens to conditions enabling them to enjoy their rights, including:

...

...

the right to decent housing;

the right to sustainable development.

RESULTS OF THE QUESTIONNAIRE :

Constitution 2011 – promulgated by Dahir n°1.11.91/ 29 july 2011

✓ Article 35

The right to property is guaranteed.

The law may limit its scope and exercise if required by the economic and social development needs of the Nation. Expropriation may be carried out only in the cases and forms provided by law.

The State guarantees freedom of enterprise and free competition. It works to achieve human and sustainable development, with a view to strengthening social justice and preserving national natural resources and the rights of future generations.

The State ensures equal opportunities for all and specific protection for disadvantaged social groups.

RESULTS OF THE QUESTIONNAIRE :

Organic Laws 111.14, 112.14 and 113.14 relating to Regions, Prefectures, and Communes:

Specific measures in each local authority: region / prefecture and province / commune

In applying for the presidency of standing committees, the principle of parity between men and women, as provided for in Article 19 of the Constitution, must be taken into account.

If no candidate outside the bureau members comes forward for this position, any bureau member may apply for it, except for the president.

In accordance with the provisions of the first paragraph of Article 139 of the Constitution, local councils shall establish participatory mechanisms for dialogue and consultation to encourage the involvement of citizens and associations in the formulation and monitoring of development programs, according to the procedures set out in the internal regulations of the council.

RESULTS OF THE QUESTIONNAIRE :

Law No. 54-19 on the Charter of Public Services.

✓ Article 6

Public services shall establish multi-annual action plans within the framework of the State's general policy, taking into account public or sectoral policies, territorial specificities and spatial equity, user needs, and the gender approach, as well as the requirements for improving public service and sustainable development.

RESULTS OF THE QUESTIONNAIRE :

Municipal Charter promulgated by Law 78.00 as amended and supplemented by Law 17.08:

✓ Article 101

The district council exercises, on behalf of and under the responsibility and supervision of the municipal council, the following powers:

...

It carries out, in agreement and with the support of the municipal council, either on its own or in partnership with any interested party, all actions aimed at promoting sports, culture, and programs for children, women, persons with disabilities, or people in difficulty;

... etc.

RESULTS OF THE QUESTIONNAIRE :

Family Code governed by Law 70.03

➤ **Article 4:**

Marriage is a pact based on mutual consent and constitutes a legal and lasting union between a man and a woman. Its purpose is to promote a life of fidelity, purity, and the establishment of a stable family under the joint responsibility of both spouses, in accordance with the provisions of this Code.

✓ **Article 49:**

Each spouse possesses separate property from that of the other. However, within the framework of managing assets acquired during the marriage, they may agree on how such assets will be developed and distributed. This agreement must be recorded in a document separate from the marriage contract.

The notaries (Adouls) must inform both parties of these provisions when concluding the marriage.

In the absence of such an agreement, general rules of evidence apply, while considering the work, efforts, and contributions made by each spouse toward the development of the family's assets.

RESULTS OF THE QUESTIONNAIRE

Law No. 62-17 on the Administrative Supervision of Soulaliyate Communities and the Management of Their Property (In Arabic)

✓ **Article 6:**

Men and women, on an equal footing, enjoy the same right of use of collective lands.

Article 9:

The tribal community may choose its representatives (deputies), both men and women, from among its members.

✓ **Article 16:**

The distribution of the usufruct rights of collective lands among members of the tribal community, men and women—is carried out by the community's representatives (*Nowab*), under conditions defined by regulatory texts.

✓ **Article 17:**

It is possible to distribute agricultural lands belonging to a tribal community that are located outside irrigated perimeters and not covered by urban planning documents, and allocate them to the rightful beneficiaries, both men and women.

Article 27:

Men and women enjoy the same rights when it comes to profit-sharing.

RESULTS OF THE QUESTIONNAIRE :

LAW No. 15-95 CONSTITUTING THE COMMERCIAL CODE

Article 17:

A married woman may engage in commercial activities without her husband's authorization. Any agreement to the contrary shall be considered null and void.

Law No. 19-20 amending and supplementing Law No. 17-95

Article 39:

In its final paragraph, as amended by Law No. 19-20, it states that:
"Companies shall, through the composition of their board of directors as provided in their statutes, strive to achieve a balanced representation of women and men."

RESULTS OF THE QUESTIONNAIRE :

Law No. 65.99 Establishing the Labor Code

✓ Article 9:

Any discrimination against employees based on race, color, sex, disability, marital status, religion, political opinion, trade union affiliation, national origin, or social background is prohibited when it results in violating or undermining the principle of equality of opportunity or equal treatment in employment or professional practice, particularly regarding recruitment, work assignment and distribution, vocational training, pay, promotion, social benefits, disciplinary measures, and dismissal.

✓ Article 346:

Any wage discrimination between the two sexes for work of equal value is prohibited.

RESULTS OF THE QUESTIONNAIRE

Dahir No. 1-09-236 of 8 Rabi' al-Awwal 1431 (February 23, 2010) relating to the Habous Code.

✓ **Article 14:**

Any allocation of property solely for the benefit of men without including women, or vice versa, is considered null and void (*original text in Arabic*).

✓ **Article 61:**

Any operation related to the leasing of Habous (endowment) properties must respect the principles of competition and equal opportunity among bidders (*original text in Arabic*).

✓ **Article 110:**

Any endowment benefiting the first, second, and third generations, without distinction between men and women, is considered valid (*original text in Arabic*).

✓ **Article 113:**

The revenues (fruits) of Habous properties must be distributed equally among the male and female beneficiaries (*original text in Arabic*).

✓ **Article 128:**

Two-thirds of Habous properties, after the resolution of a public Habous, shall be distributed among male and female heirs in accordance with the applicable Sharia rules (*original text in Arabic*).

SUMMARY OF RESULTS RELATED TO PROXIES:

PROXY A
Joint land registration

Mandatory ?

**Encouraged by
economic
incentives ?**

**PROXY A
DOES NOT EXIST**

**Scénario 1:
Couple married**

**Scénario 2:
Couples non married**

SUMMARY OF RESULTS RELATED TO PROXIES:

PROXY B
Does the legal and policy framework require the consent of one of the spouses for land transactions?

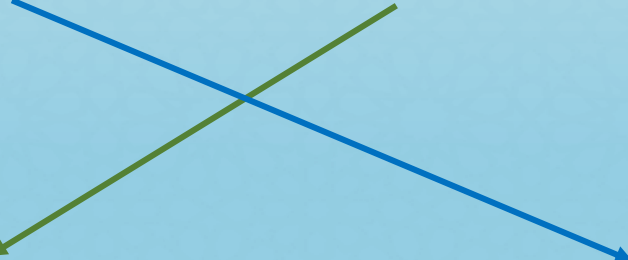
Couples married

Couples non married

Yes

No

**PROXY B
Does not
exist**



SUMMARY OF RESULTS RELATED TO PROXIES:

PROXY C
Does the legal and policy framework support the rights of women and girls in matters of inheritance?

a)
Equal right to inheritance

Scenario 1 :
Sons & Daughters

Scénario 2:
Men & Women
(married or Not)

a) Equal right to inherit a share of the deceased's estate

b) Equal right to lifelong use of the family home

PROXY C
Does not exist

b)
Right to inherit in equal shares

Scenario 1 exists if both a) and b) are satisfied

Scenario 2 exists if at least one of the cases a) or b) is satisfied

SUMMARY OF RESULTS RELATED TO PROXIES

PROXY D

Does the legal and policy framework provide for the allocation of financial resources to increase women's ownership and control of land?

PROXY D
Does not exist

Yes

No

The allocation of funds or budgetary commitment must meet the following two conditions:

1. **Women must be the sole or main beneficiaries;**
2. **The measure must have the declared objective of increasing women's land ownership or control.**

SUMMARY OF RESULTS RELATED TO PROXIES:

PROXY E

In legal systems that recognize customary land tenure, does the law explicitly protect women's land rights?

**PROXY E
Exists**

**Scenario 1:
The Constitution recognizes
customary law.**

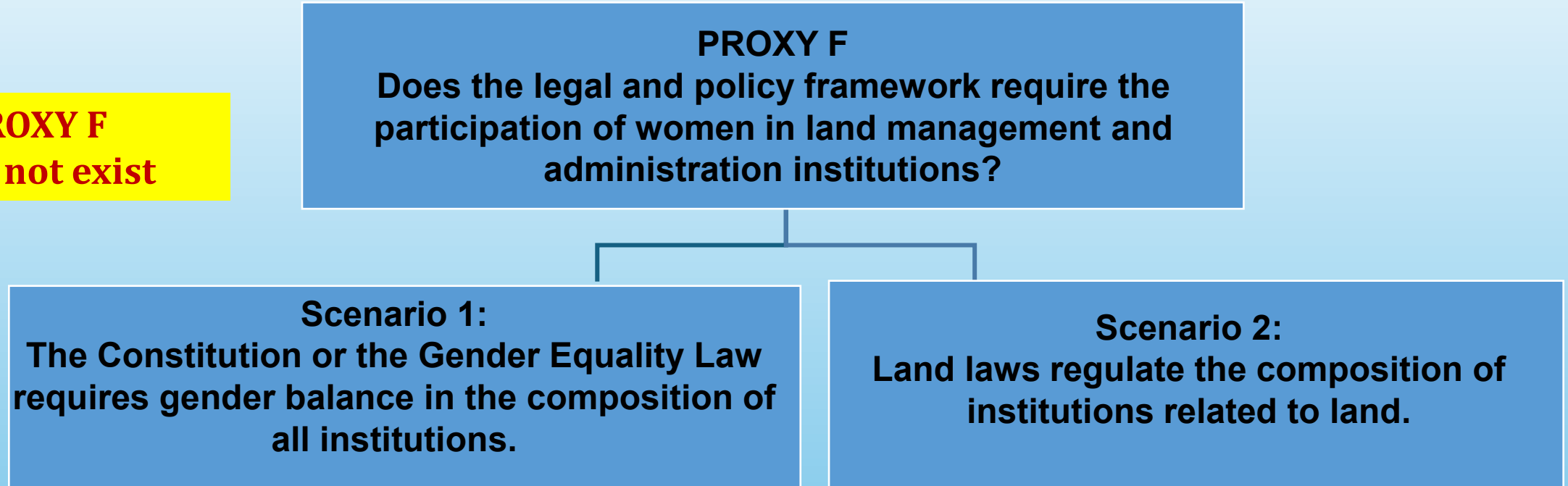
**Scenario 2:
The law recognizes the
customary land tenure system.**

**Protects
women's
land rights.**

Explicit provisions on gender equality and non-discrimination

SUMMARY OF RESULTS RELATED TO PROXIES:

PROXY F
Does not exist



The proxy exists only if it explicitly specifies:

- a minimum number of women in the staff;
- a minimum percentage of women who must be elected or appointed;
- a statement on the need for gender balance, e.g. *“No more than x% of members shall be of the same sex.”*

Or alternatively:

If official statistical data confirm that at least 40% of women own and/or control land.

**SDG
Indicator
5.a.2**

ANALYTICAL APPROACH:

- ✓ Analyze the national land tenure system
- ✓ Highlight the distinction between land regimes and statuses
- ✓ Present the different strategies on land tenure in Morocco:
 - Policy measures and orientations
 - Legislative measures
 - Regulatory measures
- ✓ Analyze the legal framework and the constraints faced by women in accessing land
- ✓ Assess the level of gender equality (men/women) in land access.

List of Proxies	Exist?
Proxy A: Is joint land registration mandatory or encouraged through economic incentives?	No
Proxy B: Does the legal and policy framework require the consent of one spouse for land transactions?	No
Proxy C: Le cadre juridique et politique soutient-il les droits des femmes et des filles en matière d'héritage?	No
Proxy C: Does the legal and policy framework support the rights of women and girls regarding inheritance?	No
Proxy E: In legal systems recognizing customary land tenure, does the law explicitly protect women's land rights?	Yes
Proxy F: Does the legal and policy framework require the participation of women in land management and administration institutions?	No

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