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Neelam Gupta

Ph.D., Research Scholar, Family Resource Management, COHS, CCSHAU, Hisar, Haryana, India

Dr. Kavita Dua

Assistant Professor, Family Resource Management, COHS, CCSHAU, Hisar, Haryana, India

Women land ownership: A review

Neelam Gupta and Dr. Kavita Dua

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Women's property ownership matters for their well-being and agency; it can also advance economic prosperity and promote the human development of future generations. The study finds that there is substantial variation in gender gaps across countries, but in almost all countries men are more likely to own property than women. Within countries, gender gaps are most pronounced for groups that are already disadvantaged, that is, the rural population and the poorest quintile. The disadvantage in property ownership experienced by women reflects a variety of factors, including discriminatory norms and laws on inheritance, property ownership, marital regimes, and protection from workplace discrimination. Yet, until recently, lack of data has constrained researchers from gaining a comprehensive overview of gender differences in property ownership in the developing world. Across the developing world, rural women suffer widespread gender-based discrimination in laws, customs and practices cause severe inequalities in their ability to access, control, own and use land and limit their participation in decision-making at all levels of land governance.

Keywords: Ownership, inheritance rights, gender equality, land rights, households

Introduction

Across the developing world, rural women are among the most disadvantaged people. Widespread gender-based discrimination in laws, customs and practices cause severe inequalities in their ability to access and control land and other natural resources, and limit their participation in decision-making in land governance, from the household to local and national institutions.

Women's land rights and gender justice in land governance are fundamental pillars in the promotion and protection of women's human rights in rural areas. Not only are they human rights themselves, being closely linked to women's status, legal capacity and inheritance and property rights, their position in family law and marriage, and their participation in public life. They also provide access to the most important physical asset in agrarian societies, land, in contexts where women provide a significant share of agricultural labour. Women's land rights are a key determinant of women's empowerment in rural areas and have profound implications on women's ability to enjoy in practice civil and political rights, social and economic rights, as well as to escape poverty and social exclusion.

Gender equity has been the centerpiece of inheritance law, but gender bias persists, and inequalities in succession law proliferate for land rights in developing countries. The existence of bias against women's land ownership can constitute a serious limitation for their status in the family and society and their economic and professional choices. It can also deprive rural women of their incentives and capacity to invest in agricultural production, impacting negatively on their earnings and limiting their participation or influence in family activities or decisions (Roy and Tisdell 2002) [51]. Moreover, the absence of land ownership by women affects their social status, imposing the patriarchal views stringently and women's status is low within the social strata and within their family (Roy 2008) [52]. Thus, land rights equity is widely advocated as a women empowerment tool to spur development outcomes (Mishra and Sam 2016; Montenegro, Mohapatra, and Swallow 2016; Wiig 2013) [40, 41, 42, 56]. Land is the key asset in rural areas, and the main pathway of land accession is through inheritance. Women's land ownership is critical to ensure their empowerment and welfare consistent with the realization of gender equality according to the United Nations Sustainable Development Goals (SDG), and many governments have strengthened their land registration regulations to protect women's land rights (Deininger et al. 2014; Deininger, Goyal, and Nagarajan 2013; Deininger, Ali, and Yamano 2008) [16, 12, 13].

Corresponding Author Neelam Gupta

Ph.D., Research Scholar, Family Resource Management, COHS, CCSHAU, Hisar, Haryana, India Rural households depend on a wide range of natural resource assets for their livelihoods-land, water, trees, and other resources. Among these, land is clearly the most valuable asset in most rural households' portfolios, and is the foundation for agricultural production. A large literature exists on the relationship between land tenure security, livelihoods, and poverty (e.g. Deininger et al., 2008a, 2008b; Prosterman et al., 2009) [11, 10, 48], but most of this literature is based on household-level data. We know very little about the relationship between women's land rights and poverty, not only because data on women's land rights (WLR) are rare, but also because of the assumption that women belong to households that pool resources completely, and thus household land rights, not those of women in particular, are the key to poverty reduction. However, a growing body of research demonstrates the importance of women's ownership of and control over assets for a range of development outcomes (Agarwal, 1994; Quisumbing and Maluccio, 2003) [2, 50]. In general, men own more and higher value assets than women (Deere and Doss, 2006; Deere et al., 2013; Ouisumbing and Maluccio, 2003) [6, 8, 9, 50]. In particular, women tend to own less land, whether solely or jointly, than men (Doss et al., 2015; Kieran et al., 2015, 2017; Deere and Leon, 2003; Agarwal, 1994) [18, 31, 7, 32, 2]. Given the empirical evidence showing that who owns and controls the assets affects household outcomes (Quisumbing and Maluccio, 2003; Doss, 2006) [50, 6], it is worth investigating the extent to which WLR and interventions to strengthen these rights affect

In most countries around the world, there are profound differences between men and women in ownership, use and control over assets and wealth. Gender gaps emerge prominently in ownership of land and housing property, which are important assets for the poor in developing countries and the primary means to store wealth in rural communities. Does it matter if land and housing property and, extension, overall wealth are disproportionately concentrated in the hands of men? The answer is unambiguously affirmative from a gender equality perspective - women's ownership, use and control over resources matter for their well-being and agency (Grown et al. 2005). In addition, a more equitable distribution of property and wealth may advance economic prosperity and promote human development of future generations. This is because gender differences in the ownership of land and other productive assets can induce allocative inefficiencies and foregone economic output (O'Sullivan 2017) [43, 44]; and because gender differences in the use of productive resources, and the income derived from them, can affect development outcomes among children (World Bank 2011) [57, 58, 59]. Yet, we do not have an extensive understanding of the extent of gender differences in property ownership or the factors driving these gaps. Household surveys, the primary data source for information on the possession and use of assets, traditionally collect these data for the household as a single unit, thereby obscuring gender differences. Recent efforts, mainly through specialized surveys on individual-level asset data, have started addressing this issue (Doss et al. 2020) [19]. This literature documents sizable gender gaps in asset ownership in developing countries in Africa, Asia and Latin America (e.g. ADB 2017; Deere et al. 2013; Jacobs et al. 2011; Kes et al. 2011; Kilic and Moylan 2016) [1, 8, 9, 28, 30, 33].

The importance of women's property ownership

There is significant evidence that women's rights to property and other assets are associated with improved well-being and agency. Many models of household behavior, such as cooperative bargaining models proposed by Manser and Brown (1980) [37] and McElroy and Horney (1981) [38], predict that bargaining power within the marriage depends on the husband's and wife's 'outside options', e.g. their expected utility if the union were to end. These outside options depend, among other factors, on who in the family owns the household's property, and the rules and norms that shape the division of assets and other family resources upon divorce (Lundberg and Pollak 1996; Lundberg et al. 1997; Fafchamps and Quisumbing 2005) [35, 36, 22]. Empirical studies suggest that a more egalitarian distribution of assets between husband and wife, or the wife's property ownership directly, correlate with the wife's participation in intra household decision making (e.g. Beegle *et al.* 2001 [4] for Indonesia; Oduro *et al.* 2012 [46] for Ghana; Swaminathan et al. 2012 [54] for India; Mishra and Sam 2016 [40, 41] for Nepal; Behrman 2017 [5] for Malawi); decision-making being considered an indicator of agency (Kabeer 1999) [29]. Property ownership or wealth can also offer protection from intimate partner violence for women (Panda and Agarwal 2005; Oduro et al. 2015) [47, 45]. Studies from India show that legislative changes under the Hindu Succession Act, which strengthened women's inheritance rights, positively impacted measures of female empowerment (i.e. education and health outcomes). These effects were even larger for the 'second generation, i.e. daughters born to women themselves affected by the reforms (Deininger et al. 2013, 2018; Roy 2015) [14, 12, 13, 53]. In addition to positively impacting women's own well-being and agency, property ownership can have implications for children's outcomes. As discussed in World Bank (2011) [57, 58, 59], many studies find that an increase in women's control over the household's resources leads to increased spending on food (e.g. Duflo and Udry 2004 for Côte d'Ivoire; Doss 2005 for Ghana) [21, 20], greater investment in health, education and children's goods (e.g. Thomas 1997 [55] for Brazil; Quisumbing and de la Brière 2000 for Bangladesh) and improvements in development outcomes and well-being among children (e.g. Thomas 1990 [55] for Brazil; Allendorf 2007 [3] for Nepal; Qian 2008 for China [49]; Luke and Munshi 2011 [34] for India; Menon *et al.* 2014 [39] for Vietnam). Finally, lack of ownership of land and other productive assets by women can lead to inefficiencies. Goldstein and Udry (2008) [24] show that Ghanaian women underinvest in soil fertility due to tenure insecurity, which causes a loss of output for the household as a whole. Dillon and Voena (2017) [17] find that, in communities with weak inheritance rights for widows, concerns over eviction deter land investments even among currently married women. These microeconomic inefficiencies may be exacerbated if gender gaps in the ownership of land and other immovable property, due to their dual function as collateral, reinforce gender gaps in access to credit and other productive inputs (World Bank 2011) [57, 58,

Gender inequalities in access to land

The evidence on gender inequalities in access to land is overwhelming. Women (.)s are consistently less likely to own or operate land; they are less

likely to have access to rented land,

and the land they do have access to is often of poorer quality and in smaller plots (FAO 2011:

23)9. When women hold land, they do not necessarily control what they produce or the resources

they need to farm – (Deere *et al.* 2011: 4710). Women also face widespread discrimination in

inheritance rights, and when they access land through markets and redistributive reforms they are

less likely than men to get land because of discrimination in land markets, differences in incomes

and access to credit, and social discrimination (World Bank, 2012: 155). This is at odds with the

increasingly central role played by women in the agricultural labour force, estimated at 43% (Ibid) to 60-80% (UNIFEM, undated; Foresight, 2011).

Women's pathways to property ownership

This section discusses several pathways through which women obtain ownership of land and housing property, and the constraints they encounter relative to men. We focus on life events, particularly marriage and inheritance, which, in most developing countries, are the principal channels for both women and men to acquire property. For example, the Gender Asset Gap project shows that most agricultural parcels are inherited in Ecuador (53 percent), Ghana (59 percent) and Karnataka, India (86 percent). Similarly, between 34 percent (Karnataka) and 45 percent (Ghana) of all housing lots and between 8 percent (Ecuador) and 57 percent (Karnataka) of principal residences are received as inheritances. Besides life events, the section also discusses, although in less detail, other channels through which individuals obtain property principally purchases. Within each pathway, gender gaps can emerge from an interaction between households, markets and social norms or institutions (World Bank 2011) [57, 58, 59]. We begin with the first pathway, marriage, by reviewing how basic institutional rights to property ownership sometimes change for women upon marriage. According to the 2020 Women, Business and the Law (WBL) database, married women face legal restrictions on property ownership in 19 out of 190 countries for which data are available. While property rights of unmarried women are no longer included as a separate indicator in the 2020 WBL, earlier versions of the data showed that unmarried women typically have the same rights as unmarried men (Gaddis et al. 2018) [23]. This demonstrates that, from a legal perspective, discriminatory provisions often do not apply to all women but to married women specifically, whose legal status changes, sometimes profoundly, upon marriage (Hallward-Driemeier and Hasan 2013) [25].

Reasons for women's lack of land rights

The root cause of discrimination against women in access to land and other natural resources is a pervasive patriarchy, expressed in stereotypes, attitudes, perceptions and norms, which creates legal, political and economic limitations to the advancement of women. Patriarchy and deep-rooted gender stereotypes are widespread and operate at all levels, from family to local

community, from administration to broader governance, from public institutions to civil society

and rural organizations. Rural women are often limited to traditional gender roles of food production and child rearing, and accept customs and attitudes that discriminate against them because they have been educated to do so as well as because of social pressures. The practice and perception of women's position in the household, family and community affects the extent to which women can exercise their land rights. In addition to discrimination in both statutory and customary law, access to land in rural and remote areas is often governed in practice by local leaders who reproduce and reinforce gender discrimination. States should be proactive in adopting laws and policies to eliminate discrimination against women and attempt to modify or abolish discriminatory customs and practices (CEDAW Art. 2) Rural women are not empowered to claim and defend their land rights. They usually lack knowledge of their rights, as do others in the community. Women often have little functional literacy because of less access to education; and lack capacities, documents and opportunities to participate in land governance, all reproduce and reinforce gender inequalities in access to land. Where they exist, women's organisations' lack capacities and resources to meaningfully influence and participate in land governance.

Consequences suffered by women due to violation of their rights

Women with no or insecure land rights have less bargaining power within the household, less

ability to access other resources, control their lives and their destiny, and participate in decision-

making. In many communities, having no land implies a lower social status. A lack of land rights

not only reduces women's autonomy and voice, but also affects their self-esteem and their well-

being. Women with no or insecure land rights are less equipped to participate in public life and

land governance, which prevents them from enjoying full civil and political right. In addition to structural and cultural violence, women with no or insecure land rights are more

likely to suffer from acts of gender-based violence, including social stigma and isolation, rape and killings. In some countries, widows are forcefully evicted by in-laws. Gender-based violence is particularly widespread in contexts of displacement and among IDPs (ILC, 2011; 2012) [27]. Women with no or insecure land rights are more vulnerable to poverty, ill-health, food

shortages, and to constrained opportunities to develop their livelihoods, i.e. their social and

economic rights are at risk, particularly with regard to health, food and housing rights. This is

even more the case for s widows, divorced and separated women, disabled women, and those

living with HIV/AIDs, as it is in contexts of property grabbing, either by in-laws and communities, or on a larger-scale, such as through large-scale land acquisitions which disproportionately affect women.

Women represent 43% of the agriculture labour force. Yet they rarely own the land they are working on, have tenure securities or control over the land. Women often have limited decision-making power and control over how to use the land or its outputs. The right to land is regulated either by the formal legal system or through customary law. There are many examples of how the two systems can both prevent and pro-mote women's right to land. The formal legal systems in many countries have constitutions or land laws that grant gender equality in access to land, and at the same time laws for marriage, divorce and inheritance that contradict these

laws by discriminating against women and daughters. Women's participation in the process of developing a land policy is fundamental to increasing women's right to land. A land policy needs to be based on the principle of gender equality in right to land and have clear objectives/goals on equal right to land.

Conclusions

The findings of this study point to the importance of gender equity in land rights where women's land title ownership enhances their status and decision-making power in the household. However, we also found that the impact of women's land title ownership on women's participation in family decision-makings varies across states, which can be influenced by the awareness of the people about the legal provisions for inheritance and the implementation of inheritance rights. This finding suggests that providing women with more education and giving them access to on-and off-farm employment opportunities could increase their status in the family in terms of decision-making.

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