



MAPPING THE LEGAL GENDER GAP IN AGRICULTURE

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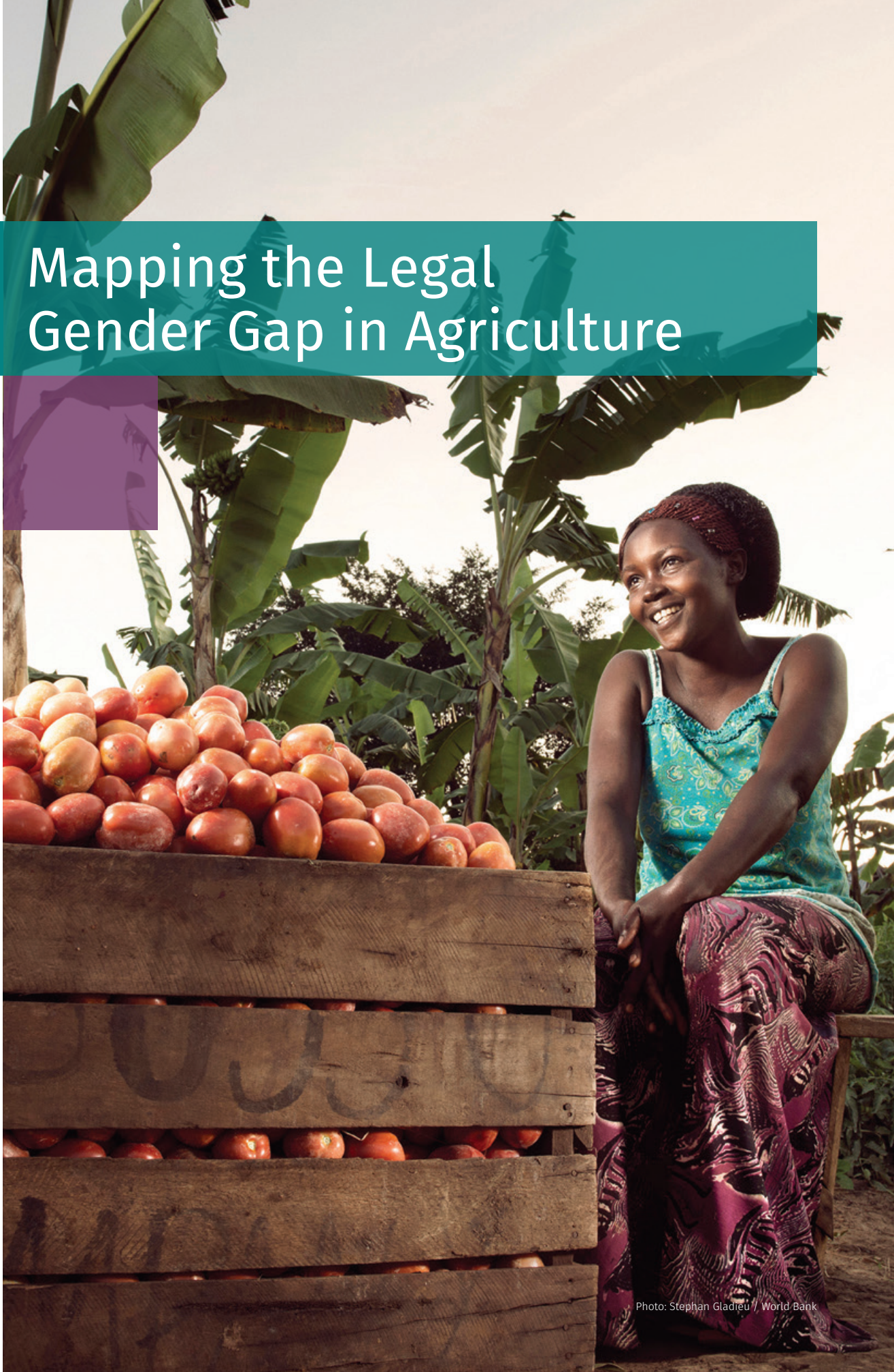


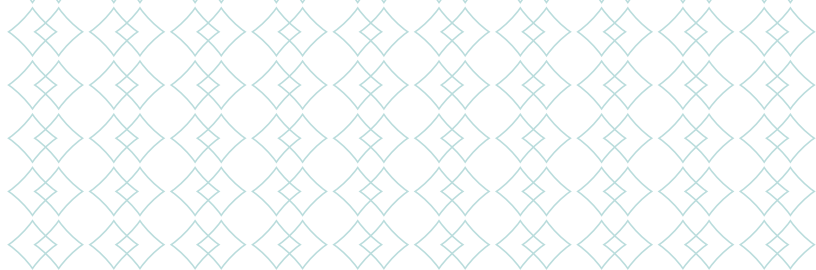
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Mapping the Legal Gender Gap in Agriculture





As part of a women's vegetable cooperative in Mali, Aminata Berthe farms lettuce on a plot of land in her village. Reuters notes that women such as Aminata produce 70 percent of the agricultural produce in Mali, strengthening food security and improving the well-being of their families and communities. Yet despite this contribution to the labor force, women often face impediments to equal participation in the business of agriculture. In Aminata's case, for example, the land she farms belongs to the husband of one of the cooperative members. According to the law, men hold primary rights and access to land, and even decide which plots the women can farm. Aminata could improve her yield by owning the land—this would provide her with the collateral to finance important resources—but she lacks the economic autonomy to earn more profit. In fact, she may have to abandon the land altogether if the owner decides to sell.¹

Globally, women have less access to land than men, and the land they do have often suffers from insecure tenure and inferior quality.² Women are also constrained in their ability to access formal agriculture sector jobs and inputs such as tools, fertilizer and seeds.³ They own fewer large farm animals and frequently have limited access to credit. Such barriers to women's full participation in agriculture can undermine economic growth and poverty reduction efforts. In Malawi and Tanzania, for instance, lower female productivity in agriculture is estimated to cause annual losses of \$100 million and \$105 million, respectively.⁴

Equal access to productive resources, however, can improve agricultural output, particularly in developing

economies (box 1.1), and could reduce the number of hungry people in the world by as much as 17 percent.⁵ Moreover, literature shows that women spend disproportionately more of their income on household welfare investments, suggesting that increasing their earnings from agriculture would deliver better outcomes for families.⁶

Though many factors are involved, opportunities and outcomes are limited for women in agriculture where they lack a supportive regulatory framework. At times, laws and regulations can be either part of the cause of or part of the solution to discrimination against women in agriculture. In Vietnam, for example, Circular No. 26/2013 prohibits women from driving tractors in the same way as men. Identifying and analyzing such barriers to women's full participation in the agricultural sector can facilitate research and policy

¹ Diarra 2017.

² Quisumbing et al. 2014.

³ Fletschner 2009.

⁴ FAO 2011.

⁵ FAO 2011.

⁶ Quisumbing and Maluccio 2005; Doss 2005.

Box 1.1. Agriculture sector growth is good for women

Women comprise a significant percentage of the agricultural workforce. As agricultural innovation and productivity increase, the sector has the potential to benefit women and girls as employees, entrepreneurs, producers and consumers. Trends indicate that men are migrating out of rural areas in increasing numbers. As a result, women may undertake new responsibilities and larger workloads in the agricultural sector. In addition, the growth of modern, international value chains and resulting

transformation of agribusiness in developing economies could create new employment opportunities for women, economically empower them and, ultimately, contribute to increased gender equality.

These opportunities include, for example, working in high-value export crops that require laborious production techniques.

Source: DFID 2014.



discussions on how varying legal environments influence women's economic participation. Reforming both direct and indirect legal hurdles to women's access to agriculture may contribute to closing the gender gap in agricultural productivity and, as a result, lift people out of poverty (figure 1.1).⁷

Figure 1.1. Legal reform improves women's economic opportunity



Source: *Women, Business and the Law*

Measuring Women's Access to Agriculture

When taken together, two World Bank Group data sets—*Women, Business and the Law*, and *Enabling the Business of Agriculture*—consider legal frameworks surrounding women's access to agriculture and highlight gender gaps in the sector. This paper uses the two data sets to map the legal gender gap in agriculture across economies.

- *Women, Business and the Law* examines laws and regulations in 189 economies that differentiate between women and men in ways that affect their opportunities and incentives to work, including in agriculture. The data set illuminates how government policies limit women's economic participation through unequal laws in their access to institutions, property, jobs and credit, among other things.
- *Enabling the Business of Agriculture* examines and monitors regulations that impact how markets function in the agriculture and agribusiness sectors. Covering 62 economies, the data set provides comparable and actionable data on regulatory environments that shape access to land, water, sector credit and agricultural markets.

By measuring legal and regulatory barriers faced by women along agricultural value chains, these indices can assist policy makers in identifying the laws and regulations that can prevent women from fully

participating in and contributing to modern and inclusive agricultural work. In particular, three overlapping topics—property, labor and finance—help identify such gaps in the agriculture sector (figure 1.2).

Reducing gender-based legal restrictions in these areas will improve the business environment for women and ensure that women's particular needs in agriculture are better met.

Using Property for Increased Investment in Agriculture

Secure land tenure is essential to a stable livelihood and can contribute to poverty reduction. Access to property provides an opportunity for investments that can enhance agricultural productivity. It can also provide necessary loan collateral, encouraging farmers to undertake entrepreneurial activities.

As a result, for women farmers control of land can be a critical component to their financial security. But studies show that many land tenure systems are inherently gender biased, preferentially allocating primary rights to land to male members of a community or family.⁸ The *Women, Business and the Law* property indicator analyzes women's ability to access and use property based on their ability to own, manage, control and inherit it. This information is critical to understanding systems of property ownership and inheritance, which can determine a woman's rights of access to and management of land and other agricultural resources.

Marital property regimes can determine a woman's rights to property during and after marriage, and can affect bargaining power in the household. In most economies, a default marital property regime is determined by law. The regime determines the allocation of assets between spouses and automatically applies to couples that do not choose another regime before marriage.

Of the marital property regimes covered by *Women, Business and the Law*, the most common are separate property and community property. Separate property regimes allow each spouse to retain ownership and control over their own property with full administrative rights, while community property regimes treat the property of either spouse as joint property, regardless of who paid for it.

Studies arising from the Gender Asset Gap Project emphasize the importance of certain regimes for women's property rights. For example, a comparative study of Ecuador, Ghana and the Indian state of Karnataka found that in separate property regimes, gender gaps in assets and wealth tend to be larger. The results show that in Ghana and Karnataka, women constitute

⁷ World Bank 2015.

⁸ FAO 2011.

Figure 1.2. Identifying three areas of gender gaps in the agriculture sector



Women, Business and the Law explores the critical relationship between women's property and inheritance rights, and their economic empowerment. *Enabling the Business of Agriculture* includes gender-disaggregated data on women's land ownership.



Women, Business and the Law examines restrictions on women's ability to work in the agricultural sector in the same way as men, leading to occupational segregation and confinement of women to low-paying work. *Enabling the Business of Agriculture* complements this data by analyzing membership criteria in producer organizations, which may restrict women's access to agricultural markets.



Women, Business and the Law considers both direct and indirect legal obstacles to women's financial inclusion by assessing the strength of credit reporting systems as well as nondiscrimination in access to credit. *Enabling the Business of Agriculture* identifies whether regulation requires commercial banks to collect gender-disaggregated data, a necessary component for developing credit market strategies tailored to the needs of women farmers.

just 38 percent and 20 percent of landowners, respectively. Both economies have a default separation of property regime.

In contrast, these asset and wealth gaps are smaller under community property regimes. In Ecuador, for instance, where the default is a community property regime, women make up 51 percent of agricultural landowners.⁹ Ownership and control of land or housing in this instance can provide direct economic benefits to women entrepreneurs (box 1.2).

Inheritance rights can be another reason for gaps between women's and men's land ownership. Often inheritance offers the surest opportunity for both men and women to own land or housing. For widows in particular, inheritance may be the only way to acquire ownership over assets and can be a crucial component of economic security. However, in 36 of the 189 economies covered by *Women, Business and the Law*, widows are not granted the same inheritance rights as widowers. Furthermore, in 39 economies daughters are prevented from inheriting the same proportion of assets as sons (figure 1.3). Without access to land through these means, women's financial security may deteriorate, preventing them from accessing the necessary collateral to start an agribusiness.

Enabling the Business of Agriculture complements these findings by determining whether land registries in a sample of 38 of the 62 covered economies collect

Box 1.2. Women's land ownership promotes empowerment: The case of Nepal

Government policies promoting women's land ownership can increase their empowerment and bargaining power within the household. Some economies have introduced innovative laws to further promote women's land registration. In Nepal, for example, more than 90 percent of working women are engaged in agriculture as their primary occupation. Given this statistic, the 2017 Finance Act introduced several proactive measures to promote women's access to and ownership over land. The law provides for discounted fees to register property jointly by spouses or under a woman's name. In addition, it calls for a 25 to 50 percent tax exemption on registration when land is owned by a woman and a 35 percent tax exemption for single women landowners.

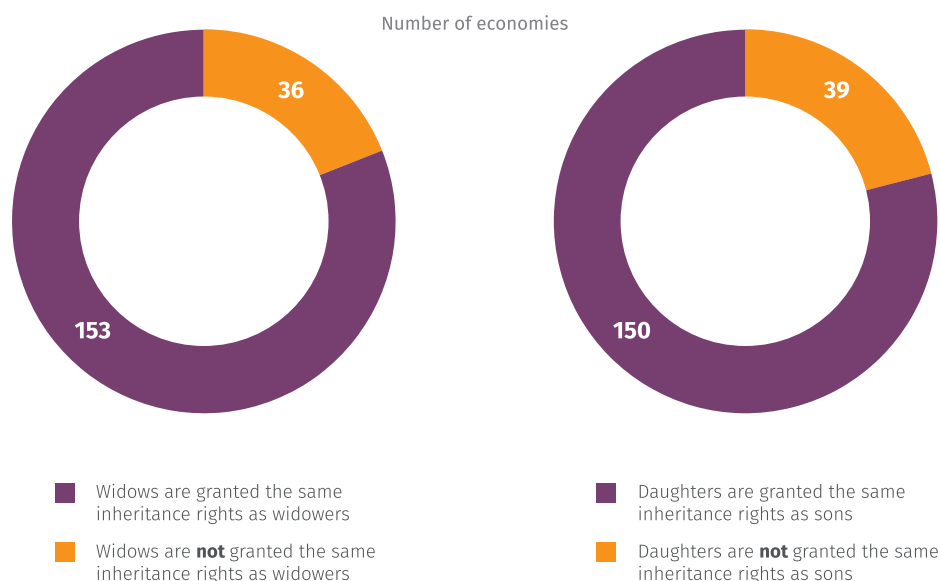
Regulations such as these can have a positive impact on the empowerment of women farmers in Nepal. Studies show that increased land ownership among women can translate into a redirection of resources toward human capital investments such as education, health and nutrition. Thus, where agriculture is the main source of income for women, policies enhancing their land rights have the potential to increase welfare.

Source: Mishra and Sam 2016.

⁹ Doss et al. 2011.



Figure 1.3. Differences in inheritance rights can limit a woman's economic prospects



Source: *Women, Business and the Law* database.
Note: The sample includes 189 economies and is current as of 2018.

gender-disaggregated data. Gender-disaggregated data highlight the realities of women's land ownership, and as a result, the difficulties they may face in earning an income in the agriculture sector. Inaccurate or unavailable gender-disaggregated data in national statistics on issues related to land tenure can hamper efforts to pursue gender equality.¹⁰

Of the 38 economies, 18 gather gender-disaggregated data for individually and jointly-registered land. Monitoring the gender dimension of land rights can lay the foundation to identify the magnitude of these gaps and assess if any measures to close them are having the intended effect.

Identifying these laws can help improve legal and regulatory frameworks, and promote women's economic opportunity in agriculture through targeted reforms. For example, in 2015, Ecuador equalized women's and men's property rights by repealing a provision favoring husbands' decisions in cases of disagreement between spouses when administering assets during marriage. Such reforms can provide women with financial security, allowing them to increase the profitability of agricultural land.

Getting a Job in Agriculture

Even where women have access to property to pursue agribusiness, gender-based restrictions may persist on the type of work they can do. On average, women comprise 43 percent of the agricultural labor force in

developing countries;¹¹ however, they are more likely than men to hold seasonal, part-time and low-wage jobs. Laws and regulations can confine women to certain sectors or phases of the supply chain, which can limit their opportunities for career growth in agriculture and reinforce positions in low-pay or low-status occupations.¹²

Where working hours and industry restrictions on women are more prevalent, female labor force participation is lower.¹³ Such restrictions make women less flexible employees and narrow the number of jobs for which they are qualified. *Women, Business and the Law* examines legal barriers to women's ability to work in the agricultural sector in the same way as men. In 27 economies across five regions, these restrictions are present (table 1.1).

However, there has been some progress in this area. In 2017, for instance, Ukraine repealed a restriction prohibiting women from working with pesticides and fertilizers derived from animal material. Research estimates that eliminating such barriers that prevent women from working in certain sectors or occupations could increase labor productivity by as much as 25 percent in some economies, simply by increasing women's labor force participation.¹⁴

¹¹ FAO 2011.

¹² IFC 2016.

¹³ World Bank 2013.

¹⁴ World Bank 2011.

¹⁰ Ravnborg et al. 2016.



Table 1.1. Examples of agricultural tasks and occupations prohibited to women

ECONOMY	EXAMPLES
ANGOLA	Women are not allowed to manufacture certain fertilizers or insecticides.
AZERBAIJAN	Women cannot load raw cotton by hand. Women are prohibited from working near tractors.
BELARUS	Women cannot work near tractors equipped with devices for pollination. Women are not allowed to work with pesticides.
CENTRAL AFRICAN REPUBLIC	Women cannot perform agricultural work that exceeds their strength or is deemed dangerous or morally inappropriate.
KAZAKHSTAN	Women cannot stun or bleed cattle or small ruminants and pigs. They also cannot cut, eviscerate or skin cattle or animal carcasses.
LEBANON	Women cannot work with fertilizers derived from animal material. Women cannot do tannery work.
MOLDOVA	Women are not allowed to manufacture meat products. Women cannot work with pesticides.
NIGERIA	Women cannot work in agricultural undertakings at night.
RUSSIAN FEDERATION	Women under 35 cannot work with pesticides and fertilizers. Women are not allowed to work with bulls, stallions and boars.
SAUDI ARABIA	Women cannot work in areas where fertilizers are being stored.
TAJIKISTAN	Women cannot work with pesticides and fertilizers derived from animal material.
TUNISIA	Women are not allowed to perform agricultural work deemed dangerous.
VIETNAM	Women cannot drive agricultural tractors of a capacity of 50 horsepower or more.
WEST BANK AND GAZA	Women are not allowed to manufacture pesticides.

Source: *Women, Business and the Law* database.

Equal participation in the agricultural labor market and agricultural trade also plays a key role in securing access for women and their families to income and a greater quantity, wider variety and better quality of food at lower prices. *Enabling the Business of Agriculture's* markets indicator analyzes restrictive membership criteria in producers' organizations. Membership in such organizations is especially important for small producers, many of whom are women, as it can help them access productive capital collectively, as well as inputs or extension services they could not obtain otherwise. Producers' organizations also often extend credit to their members, giving smallholders greater bargaining power in contracting with agriculture sector firms and purchasers through contract farming schemes.¹⁵

However, women are often prevented from joining producers' organizations by restrictive membership criteria. Common participation criteria include allowing only members to join who are heads of household or landowners. In Nigeria, for example, membership in a producer organization is restricted to individuals with legal ownership over land. In the Russian Federation, Rwanda and Serbia, membership is restricted to one member per household. Because women have less access to critical resources and secure land, they may be excluded from joining and, as a result, experience a low productivity trap. Restrictive membership regulations can also stifle women's voices regarding necessary reforms to agricultural infrastructure management.

One way to combat such criteria may be to establish quotas or other mechanisms to promote the participation of women in producer organizations. Of the 62 economies covered by *Enabling the Business of*

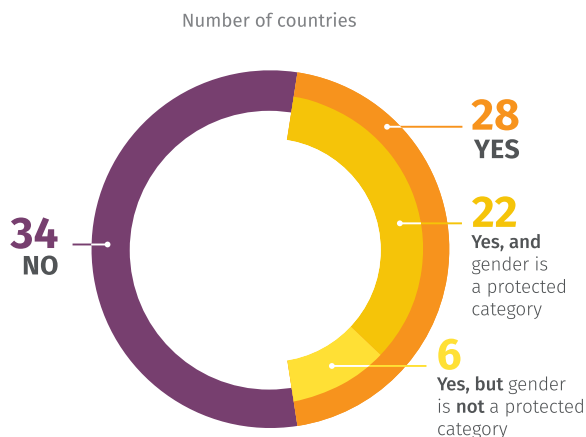
¹⁵ World Bank 2017.



Agriculture, however, only 5 promote women's leadership in producers' organizations through quotas that mandate a minimum number of women be included on managing committees or boards. The five countries are Greece, Kenya, Republic of Korea, Rwanda and Spain. The Indian state of Bihar also has such a quota. In Greece, women-only cooperatives can also be established with just five founding women, as opposed to regular cooperatives, where 20 members are required.

In addition, 28 economies provide legal protection against discrimination in producer organization membership. Of those 28, 22 specifically mention discrimination based on gender. Such policies can help women overcome obstacles that agribusinesses often face in producing, marketing and exporting their products (figure 1.4).

Figure 1.4. Do producer organizations have to comply with principles of nondiscrimination?



Source: EBA database
Note: Sample includes 62 economies covered by the *Enabling the Business of Agriculture 2017* report.

Building Credit for Agricultural Entrepreneurship

Expanding access to finance for women in agriculture is another crucial component of enhanced productivity. Financial services, including savings, credit and insurance, are critical for farmers. Credit can help cover short-term expenses as well as the purchase of productive technologies, land, inputs or labor. Unfortunately, however, most rural financial programs are designed and implemented with a male head of household in mind, failing to recognize that women are active in the agricultural sector. Regulations and customary rules also often restrict women's access to finance or limit their ability to build collateral for loans.

To be effective, financial markets should recognize the constraints that women face when accessing credit,

including women's limited credit history compared to men's and the effects of discrimination. *Women, Business and the Law's* building credit indicator assesses women's access to finance and the strength of credit reporting systems. In particular, establishing a good credit history may help women who lack access to property build reputation collateral for loans (figure 1.5).

With this in mind, credit reporting systems can be structured to allow women farmers access to finance. Because banks often require immovable property as collateral for loans, women may be prevented from obtaining financial services. As an alternative to asset-based collateral, credit agencies can collect loan repayment information from retailers, utility companies and microfinance institutions. This step allows women to build reputation collateral and graduate to larger loans. *Women, Business and the Law 2018*¹⁶ finds that retailers in 57 economies, utility companies in 60 economies, and microfinance institutions in 83 economies provide information to private credit bureaus or public credit registries.

Discriminatory lenders can also affect a woman's ability to build up a credit history. To combat this practice, policy interventions can encourage women's entrepreneurship by prohibiting discrimination by creditors based on gender and marital status. Legislation prohibiting gender-based discrimination in financial services exists in 72 of the 189 economies examined by *Women, Business and the Law*. Thirty-six of these economies also prohibit discrimination in financial services based on marital status.

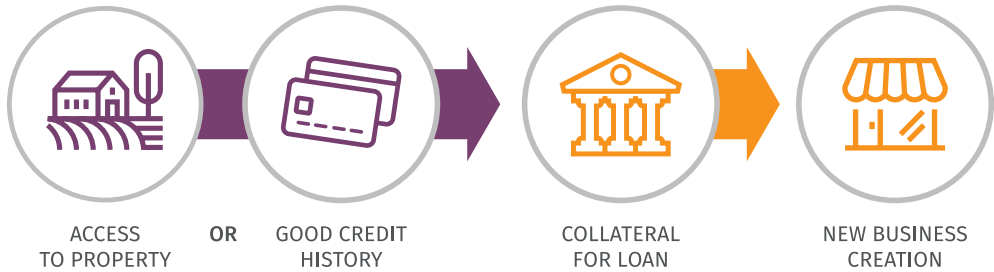
Such provisions prohibiting discrimination can be found in a variety of legislation, ranging from nondiscrimination and gender equality laws to credit acts and consumer protection ordinances. In Latin America and the Caribbean, for instance, they are particularly common in consumer protection laws. For example, Nicaragua's consumer protection law puts a duty on financial providers to offer services without discrimination based on gender or marital status. In Europe and Central Asia, gender equality acts often prohibit this kind of discrimination. Albania's Gender Equality Act, for example, prohibits discrimination in banking services, including loans, deposits and financing.

The effects of such legislation seem to be positive. *Women, Business and the Law 2018* finds that more women have accounts at formal institutions and debit cards in their own names in economies where the law prohibits discrimination based on gender in access to credit (figure 1.6).

Regulation can also ensure banks and microfinance institutions collect gender-disaggregated data by

¹⁶ World Bank 2018.

Figure 1.5. Good credit history can help women access finance



Source: *Women, Business and the Law*

including such requirements in their reporting obligations. This data can assist both governments and private sector institutions in developing a credit market strategy geared toward women farmers. Of the 62 economies covered by *Enabling the Business of Agriculture*, however, in only 6 are commercial banks required to disaggregate their loan portfolio information by gender: Bangladesh, Bolivia, Georgia, Malaysia, Nigeria and Rwanda. The same obligation applies to deposit-taking microfinance institutions in 14 of the 33 countries where they are allowed to take deposits. Implementing regulatory practices such as these can help provide the data and information needed to

design coherent strategies for women seeking finance in the agriculture sector.

Toward inclusive Agricultural Development

The findings presented here demonstrate the critical relationship between the legal environment and women’s full participation in the agricultural economy. A comparative analysis of *Women, Business and the Law* and *Enabling the Business of Agriculture* data on women’s equal participation in agriculture also presents new and interesting opportunities for further research. In 2019, *Enabling the Business of Agriculture*

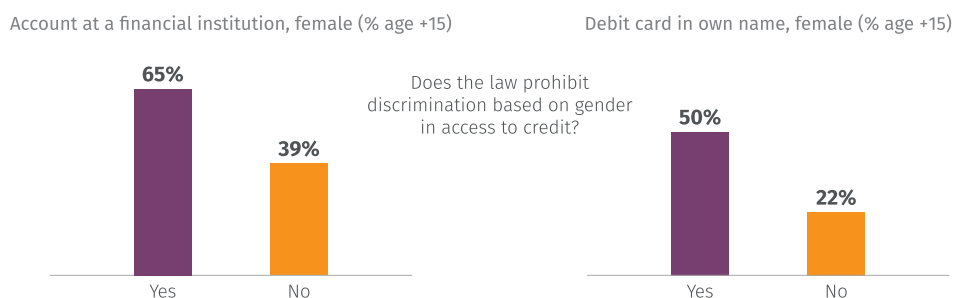


Photo: Chhor Sokunthea / World Bank

Photo: Chhor Sokunthea / World Bank



Figure 1.6. More women have accounts at financial institutions and debit cards where the law prohibits gender-based discrimination in access to credit



Sources: Women, Business and the Law and Global Findex (2014) databases.

Note: The differences in the percentages illustrated are statistically significant at least at the 10 percent level after controlling for the log of GNI per capita (2015), the ratio of female-to-male (mean) years of education (age 25+) (2015), the proportion of seats held by women in national parliaments (2016), and the rule of law (2016). Sources for the control variables include the World Development Indicators and Barro-Lee Educational Attainment databases. Regression analyses are based on 133 economies for which data are available. These statistical relationships should not be interpreted as causal.

will expand its data set to 80 economies, increasing the understanding of the hurdles women in agriculture face and helping to develop more targeted policy recommendations. Enabling the Business of Agriculture will also expand its data set to include initiatives aimed at facilitating women's access to financial credit institutions and simplified Know Your Customer requirements.

A rich body of data can be used to promote smart regulations. It can also ensure safety and quality control as well as efficient regulatory processes that support a thriving agriculture sector. As existing agricultural

policies become more gender-inclusive, and gender-targeted policies are designed, constraints can be lifted and the particular needs of women in agriculture better met. With such progress, women in agriculture will be better equipped to lead more productive lives for the benefit of their families and communities.

REFERENCES

- Department for International Development (DFID). 2014. "Agriculture and Women: Agriculture and Growth Evidence Paper Series." DFID, London, United Kingdom.
- Diarra, Soumaila. 2017. "New law a glimmer of hope for women's land rights in Mali." *Reuters*. January 30. <https://www.reuters.com/article/mali-women-landrights/new-law-a-glimmer-of-hope-for-womens-land-rights-in-mali-idUSL5N1FF5CW>
- Doss, Cheryl. 2005. "The Effects of Intrahousehold Property Ownership on Expenditure Patterns in Ghana." *Journal of African Economics* 15 (1): 149–80.
- Doss, Cheryl, et al. 2011. "The Gender Asset and Wealth Gaps: Evidence from Ecuador, Ghana, and Karnataka, India." Indian Institute of Management Bangalore, Bangalore.
- FAO (Food and Agriculture Organization of the United Nations). 2011. *The State of Food and Agriculture 2010–11. Women in Agriculture: Closing the Gender Gap for Development*. Rome, Italy: FAO.
- Fletschner, Diana. 2009. "Rural Women's Access to Credit: Market Imperfections and Intrahousehold Dynamics." *World Development* 37 (3):618–31.
- International Finance Corporation (IFC). 2016. *Investing in Women Along Agribusiness Value Chains*. Washington, DC: IFC.
- Mishra, Khushbu, and Abdoul G. Sam. 2016. "Does Women's Land Ownership Promote Their Empowerment? Empirical Evidence from Nepal." *World Development* 78: 360–71.
- Quisumbing, Agnes R., and John Maluccio. 2005. "Intrahousehold Allocation and Gender Relations: New Empirical Evidence from Four Developing Countries." International Food Policy Research Institute (IFPRI) FCND Discussion Paper No. 84. IFPRI, Washington, DC.
- Quisumbing, Agnes R., et al. 2014. "Gender in Agriculture: Closing the Knowledge Gap," Food and Agriculture Organization of the United Nations (FAO), Rome, Italy.
- Ravnborg, Helle Munk, et al. 2016. "Land Governance, Gender Equality and Development: Past Achievements and Remaining Challenges." *Journal of International Development* 28: 412–27.
- World Bank. 2011. *World Development Report 2012: Gender Equality and Development*. Washington, DC: World Bank.
- . 2013. "Mapping the Legal Gender Gap in Getting a Job." Brief. World Bank Group, Washington, DC.
- . 2015. "The Cost of the Gender Gap in Agricultural Productivity in Malawi, Tanzania, and Uganda." Working Paper. World Bank Group, Washington, DC.
- . 2017. *Enabling the Business of Agriculture 2017*. Washington, DC: World Bank.
- . 2018. *Women, Business and the Law 2018*. Washington, DC: World Bank.

Women, Business and the Law examines laws and regulations affecting women's prospects as entrepreneurs and employees across 189 economies. Its goal is to inform policy discussions around removing legal restrictions on women and promote research to improve women's economic inclusion.

Enabling the Business of Agriculture offers insights into how laws and regulations impact the agriculture and agribusiness sectors across 62 economies. It aims to facilitate the operation of socially and environmentally responsible agribusinesses, enabling them to provide essential agricultural inputs and services to farmers that increase both productivity and profits.

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