

# CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN, SUSTAINABLE DEVELOPMENT GOAL 5, AND BEYOND: THE ROLE OF INTERNATIONAL LAW IN ADVANCING WOMEN'S PROPERTY RIGHTS

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## Overview

This research article critically explores the role of international law in advancing women's property rights, focusing on two pivotal frameworks. The UN treaty on ending discrimination against women (CEDAW) and Sustainable Development Goal 5 (SDG 5). Women's property rights are integral to ensuring equality of rights for everyone, genders and economic empowerment, yet they remain disproportionately constrained by legal, cultural, and social barriers worldwide. CEDAW, adopted in 1979, provides a comprehensive legal framework obligating state parties to eliminate discrimination against women in all spheres, explicitly including rights related to ownership, control, and inheritance of property. This article analyzes how CEDAW's provisions have influenced national legislation and judicial decisions, while highlighting gaps in enforcement and persistent challenges, such as the clash between statutory law and customary practices that often marginalize women. Complementing CEDAW, SDG 5, launched in 2015, emphasizes the necessity of achieving gender equality and women's empowerment through specific targets aimed at ensuring women's equal access to economic resources and property rights. The article examines SDG 5's impact on shaping policy reforms and monitoring methods that require states to justify their progress. Despite advances, the paper notes that legal reforms by themselves are insufficient without effective implementation, public awareness, and the dismantling of patriarchal norms that hinder women's property ownership.

The study further discusses the significance of international legal standards in providing a normative framework and leveraging global accountability. It argues that international law, through monitoring bodies and global goals, plays a vital role in pressuring states to enact reforms, yet national commitment and grassroots advocacy remain crucial for tangible change.

**Keywords:** Women's Property Rights, International Law, CEDAW, Sustainable Development Goal 5 (SDG 5), Gender Equality, Women's Economic Empowerment, Legal Reform, Property Ownership, Discrimination Against Women, Women's Inheritance Rights, Global Accountability, Women's Land Rights

## 1. Introduction

Women's property rights are central to achieving gender equality and women's empowerment worldwide. The ability to own, control, and inherit property not only provides economic security but also enhances women's social standing and decision-making power within households and communities. However, despite

global recognition of these rights, women keep facing significant Judicial and cultural barriers that prevent them from fully accessing and enjoying property rights.<sup>1</sup>The international community has responded to these challenges by adopting key legal frameworks aimed at eliminating discrimination against women.The CEDAW,adopted by the UN General Assembly in 1979, is the principal international treaty that obligates state parties to guarantee women's equal rights across every area of life,including property ownership, management, and inheritance<sup>2</sup>. Article 16 of CEDAW specifically mandates that women be granted the equal rights to men in relation to ownership and control over property.<sup>3</sup>

More recently,the UN's Sustainable Development Targets (SDGs), adopted in 2015 by every member country of the United Nations, have emphasized gender equality as a critical component of sustainable development. SDG 5 aims to “accomplish gender fairness and promote the empowerment of every woman and girl,”with Target 5.a focusing explicitly on securing women's equal rights to economic resources, including land and property ownership.<sup>4</sup> These international commitments create normative and policy frameworks that encourage states to reform discriminatory laws and practices.

Nevertheless, the implementation of these frameworks varies widely. In many countries, customary, religious, and traditional laws continue to restrict women's access to property despite statutory guarantees.<sup>5</sup> Moreover, social norms and patriarchal practices often limit women's ability to exercise legal rights, creating a disparity between official legal equality and actual equality.<sup>6</sup>

This study aims to analyze the role of international law, particularly CEDAW and SDG 5, in advancing women's property rights. It examines how these tools affect national legal frameworks reforms, the challenges in implementation, and the prospects for achieving genuine equality in property ownership and control.

## **2. International Legal Frameworks Governing Women's Property Rights**

### **2.1 The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**

Adopted in 1979, CEDAW is the cornerstone international treaty that mandates the eradication of bias against women in all fields, including property rights. It obliges state parties to ensure that women have rights on par with men concerning the possession, obtaining, control, handling, use, and transfer of property both throughout the marriage and upon its dissolution. Article 16 explicitly addresses equal rights in marriage and family relations, emphasizing women's rights to inherit property and to have control over marital assets.<sup>7</sup>The CEDAW Committee, which monitors compliance, has consistently interpreted the Convention to require states to abolish discriminatory laws and practices, including customary and religious rules that disadvantage women. It underscores the need for legislative reforms, public awareness campaigns, and enforcement

<sup>1</sup>UN Women, Securing Women's Property Rights (2023) <https://sdg-action.org/securing-womens-property-rights/> accessed

<sup>2</sup>United Nations, CEDAW,1979 <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

<sup>3</sup>Ibid, art 16

<sup>4</sup>United Nations, Sustainable Development Goal 5 (SDG 5) <https://sdgs.un.org/goals/goal5> .

<sup>5</sup>UN Women, ‘CEDAW and the Role of Rural Women's Land Rights’ (2018) <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/62/meetings/Naela%20Gabr%20Mohamed%20CEDAW%20and%20the%20Role%20of%20Rural%20Womens%20Land%20Rights.pdf>

<sup>6</sup>Sandra Fredman, ‘Sustainable Development Goal 5: Addressing Gender Inequality’ (University of Pennsylvania, 2019) [https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=3235&context=faculty\\_scholarship](https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=3235&context=faculty_scholarship)

<sup>7</sup>UnitedNation,CEDAW,1979,article16<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>.

mechanisms to guarantee women's property rights.<sup>8</sup> Despite these provisions, implementation remains uneven globally. In many countries, customary law which often prevails in rural areas continues to restrict women's property rights, undermining the protections offered by statutory law. The Committee's recommendations therefore extend beyond formal law reform to include addressing cultural practices and social norms that perpetuate inequality<sup>9</sup>

## 2.2 Sustainable Development Goal 5 (SDG 5)

SDG 5, adopted in 2015 as part of the 2030 plan for sustainable growth, aims to achieve gender equality and empower all women and girls. Target 5.a focuses explicitly on ensuring women's equal rights to economic resources, including access to ownership and control over land and other forms of property, financial services, inheritance, and natural resources.<sup>10</sup> The inclusion of property rights in SDG 5 marks a significant acknowledgment link between legal rights and sustainable development outcomes. Access to property is recognized as important not just in economic empowerment as well as for alleviating poverty, enhancing food availability, and promoting social inclusion.<sup>11</sup> Monitoring mechanisms for SDG 5 include indicators such as the proportion of countries with laws that guarantee women's equal rights to land ownership and control.<sup>12</sup> These provide a framework for assessing state-level progress and identifying gaps in legal protections.

Nevertheless, difficulties remain, such as insufficient enforcement, inadequate legal literacy among women, and resistance to change rooted in patriarchal systems<sup>13</sup>. Thus, while SDG 5 provides a global agenda and targets, its success depends heavily on national-level action and cultural transformation.

## 2.3 Synergy and Challenges between CEDAW and SDG 5

CEDAW and SDG 5 complement each other by providing both binding legal obligations and a broader development framework for gender equality. CEDAW offers the normative legal foundation, while SDG 5 integrates these goals into the sustainable development agenda, encouraging multi-sectoral approaches.<sup>14</sup>

Nevertheless, a key challenge remains the gap between legal reform and actual realization of women's property rights. Laws may exist on paper but fail in practice due to lack of implementation, weak judicial systems, and societal resistance.<sup>15</sup> Addressing these challenges demands collaborative actions involving legal reform, capacity-building, community engagement, and international support<sup>1</sup>

<sup>8</sup>CEDAW Committee, 'General Recommendation No. 21: Equality in Marriage and Family Relations' (1994) UN Doc A/49/38 <https://www.refworld.org/docid/453882a422.html>

<sup>9</sup>UN Women, 'CEDAW and the Role of Rural Women's Land Rights' (2018) <https://www.unwomen.org/en/digital-library/publications/2018/3/cedaw-and-rural-womens-land-rights>.

<sup>10</sup>United Nations, Sustainable Development Goals (2015) Goal 5 <https://sdgs.un.org/goals/goal5> accessed 13 August 2025.

<sup>11</sup>FAO, 'The Role of Women's Land Rights in Reducing Poverty and Hunger' (2011) <http://www.fao.org/3/i2474e/i2474e.pdf>

<sup>12</sup> United Nations Statistics Division, 'SDG Indicators Metadata Repository' <https://unstats.un.org/sdgs/metadata/> a

<sup>13</sup> Ibid

<sup>14</sup> Sandra Fredman, 'Sustainable Development Goal 5: Addressing Gender Inequality' (University of Pennsylvania, 2019) [https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=3235&context=faculty\\_scholarship](https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=3235&context=faculty_scholarship)

<sup>15</sup>Ibid

### 3.Implementation Challenges and National Responses to Advancing Women’s Property Rights

#### 3.1 Gaps Between International Law and Domestic Implementation

Despite the robust international legal frameworks established by CEDAW and the SDGs, significant gaps persist between international commitments and their realization at the national level. Many countries have ratified CEDAW and adopted SDG targets, but discriminatory laws and practices continue to hinder women's full enjoyment of property rights.<sup>16</sup> The challenge lies not only in the existence of laws but also in their effective enforcement and societal acceptance. Several factors contribute to this implementation gap. First, many countries maintain plural legal systems where statutory law coexists with customary, religious, or tribal laws, which often conflict with international standards. Customary laws frequently deny women inheritance rights or property ownership, especially in countryside regions where official legal institutions have limited reach. For example, in parts of Sub-Saharan Africa and South Asia, women’s rights to land governed by customary practices are weak despite constitutional guarantees.

Second, weak institutional capacity and lack of gender-sensitive mechanisms impede enforcement. Courts and land registries may be inaccessible or biased against women, and women themselves may lack legal literacy or resources to assert their rights. Corruption and gender stereotypes in judicial and administrative bodies further limit women’s access to justice<sup>17</sup>

#### 3.2 National Legal Reforms Inspired by International Obligations

In response to international legal obligations, numerous countries have undertaken reforms to align domestic laws with CEDAW and SDG 5. These reforms include repealing discriminatory inheritance laws, introducing joint land titling, and strengthening women’s legal protections in family and property law.<sup>18</sup> For instance, In 2005, India revised the Hindu Succession Act, to grant daughters equal inheritance rights to ancestral property, a change largely influenced by CEDAW principles.<sup>19</sup> Similarly, Rwanda’s land law reforms promote joint land ownership shared by married partners, reflecting commitments to SDG 5.

However, legal reforms alone have been insufficient to ensure substantive equality. In many cases, formal laws remain poorly implemented due to entrenched social norms and lack of political will. This underscores the importance of complementary measures such as public awareness campaigns, capacity-building for legal professionals, and support services for women claiming property rights.

#### 3.3 Contribution of Civil Society and Global Institutions

Civil society organizations (CSOs) and international agencies have a vital role in bridging the gap between international law and national realities. CSOs often provide legal aid, raise awareness, document violations, and advocate for stronger laws and better enforcement<sup>20</sup>. International organizations like UN Women, FAO, and the World Bank support these efforts through funding, technical assistance, and policy

<sup>16</sup>UN Women, Securing Women’s Property Rights (2023) <https://sdg-action.org/securing-womens-property-rights/>

<sup>17</sup>UN Habitat, Women’s Equal Rights to Housing, Land, and Property in International Law (2015) <https://unhabitat.org/sites/default/files/download-manager-files/Women%E2%80%99s%20equal%20rights%20to%20housing%2C%20land%20and%20property%20in%20international%20law..pdf>

<sup>18</sup> Sandra Fredman, ‘Sustainable Development Goal 5: Addressing Gender Inequality’ (University of Pennsylvania, 2019) [https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=3235&context=faculty\\_scholarship](https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=3235&context=faculty_scholarship)

<sup>19</sup>Hindu Succession (Amendment) Act, 2005, India; see also UN Women, CEDAW and Property Rights in India (2020) <https://www.unwomen.org/en/news/stories/2020/7/feature-india-land-rights-for-women>

<sup>20</sup>Global Land Alliance, Civil Society and Women’s Land Rights (2022) <https://globallandalliance.org/resources/civil-society-and-womens-land-rights>



guidance.<sup>21</sup> Additionally, global human rights systems, such as the CEDAW Committee and Universal Periodic Review, pressure states to report on progress and challenges, fostering accountability.<sup>22</sup>

## **Chapter 4: Strategies for Strengthening Women's Property Entitlements under International Legal Norms**

### **4.1 Legal and Policy Reforms**

To effectively advance women's property rights, states must undertake comprehensive legal reforms that align domestic laws with international standards set by CEDAW and SDG 5. This involves repealing discriminatory statutes, harmonizing customary laws with statutory law, and introducing new legislation that explicitly guarantees women's equal rights to own, inherit, and control property.<sup>23</sup> Legal reforms should be accompanied by clear guidelines to ensure implementation and enforcement mechanisms that are accessible and responsive to women's needs.<sup>24</sup> Countries such as Rwanda and India demonstrate the potential of legal reforms when combined with political commitment. Rwanda's land tenure reforms promote joint land ownership between spouses, enhancing women's security and bargaining power.<sup>25</sup> India's Hindu Succession Amendment Act of 2005 eliminated gender discrimination in ancestral property rights, marking a significant legislative milestone.<sup>26</sup>

### **4.2 Enhancing Institutional Capacity and Access to Justice**

Strengthening agencies in charge of land management, registration, and dispute resolution is critical. These institutions must be gender-sensitive and equipped to address the distinct difficulties encountered by women claiming property rights. Training for judicial officers, land registrars, and local officials can reduce biases and improve the handling of women's property claims.<sup>27</sup> Access to justice is a significant obstacle faced by numerous women due to costs, lack of awareness, and socio-cultural constraints. Providing legal aid services, community paralegals, and awareness campaigns can empower women to assert their rights effectively.

### **4.3 Community Engagement and Social Norms Change**

Legal reforms alone cannot achieve the goal unless resolving the social norms and cultural practices that sustain gender disparity in property rights. Community-based initiatives that engage local leaders, men, and women in dialogues about women's rights have displayed promise in shifting attitudes. Educational programs and public awareness drives may also have an impact in transforming patriarchal perceptions about land and inheritance.<sup>28</sup> International bodies recommend integrating gender equality messages into rural development, agricultural programs, and family law education to foster broader societal change.<sup>29</sup>

<sup>21</sup> UN Women, Women's Land and Property Rights (2021) <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/land-and-property-rights>

<sup>22</sup> <https://www.ohchr.org/en/treaty-bodies/cedaw/reporting-and-monitoring>

<sup>23</sup> UN Women, Securing Women's Property Rights (2023) <https://sdg-action.org/securing-womens-property-rights/>

<sup>24</sup> Food and Agriculture Organization (FAO), Legal Reforms for Women's Land Rights (2019) <http://www.fao.org/3/ca4793en/ca4793en.pdf>

<sup>25</sup> Rwanda Land Law No 43/2013; see also FAO, Land Tenure and Gender (2019) <http://www.fao.org/3/ca4793en/ca4793en.pdf>

<sup>26</sup> Hindu Succession (Amendment) Act, 2005, India; UN Women, CEDAW and Property Rights in India (2020) <https://www.unwomen.org/en/news/stories/2020/7/feature-india-land-rights-for-women>

<sup>27</sup> UN Habitat, Women's Equal Rights to Housing, Land, and Property (2015) <https://unhabitat.org/sites/default/files/download-manager-files/Women%E2%80%99s%20equal%20rights%20to%20housing%2C%20land%20and%20property%20in%20international%20law..pdf>

<sup>28</sup> UN Women, Community Engagement for Women's Land Rights (2018) <https://www.unwomen.org/en/digital-library/publications/2018/3/cedaw-and-rural-womens-land-rights>

<sup>29</sup> United Nations Development Programme (UNDP), Gender Equality and Social Norms (2019) <https://www.undp.org/publications/gender-equality-social-norms>

#### 4.4 Role of International Cooperation and Monitoring

Global collaboration via technical support, funding, and capacity-building supports national efforts to advance women's property rights. Organizations such as UN Women, FAO, and the World Bank provide valuable resources and policy guidance.<sup>30</sup> Monitoring mechanisms like the CEDAW Committee's periodic reviews and the SDG progress reports hold states accountable and encourage transparency.<sup>31</sup> Effective data collection and gender-disaggregated statistics on land ownership and inheritance help identify gaps and inform policy decisions.<sup>32</sup>

### Chapter 5: Future Directions and Recommendations for Advancing Women's Property Rights

#### 5.1 Strengthening Legal Frameworks and Enforcement Mechanisms

To achieve lasting improvements in women's property rights, states must not only enact gender-equitable laws but also ensure their robust enforcement. Strengthening enforcement includes building capacity within legal institutions, providing gender-sensitive training to judiciary and administrative officials, and establishing specialized bodies to monitor compliance with women's property rights.<sup>33</sup> Laws should be clear, comprehensive, and harmonized across statutory, customary, and religious systems to eliminate contradictions that impede women's access to property.<sup>34</sup> Regular review and amendment of laws may be required to respond to emerging challenges and to close loopholes that allow discrimination to persist.

#### 5.2 Enhancing Data Collection and Research

Reliable, gender-disaggregated data on land ownership and the right to property is fundamental for monitoring progress and informing policy decisions. Numerous countries do not have complete data systems, which hampers the ability to identify gaps and design targeted interventions.<sup>35</sup> Improved data collection should include qualitative studies that capture women's lived experiences and barriers in accessing property rights.<sup>36</sup> International cooperation can support capacity-building for data collection and analysis, helping governments and civil society track the impact of reforms.

#### 5.3 Promoting Awareness and Education

Awareness campaigns aimed at women and communities are critical to empowering women to claim their property rights. Legal literacy programs, community workshops, and media campaigns can help dispel myths and change perceptions about women's entitlement to property.<sup>37</sup> Awareness programs ought to also address men and traditional leaders who often hold decision-making power in families and communities.<sup>38</sup> Incorporating gender equality and property rights topics into school curricula can foster long-term cultural change.

<sup>30</sup> UN Women, Women's Land and Property Rights (2021) <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/land-and-property-rights>

<sup>31</sup> OHCHR, CEDAW Oversight Report (2020) <https://www.ohchr.org/en/treaty-bodies/cedaw/reporting-and-monitoring>

<sup>32</sup> UN Statistics Division, Gender-Disaggregated Data (2021) <https://unstats.un.org/sdgs/metadata/>

<sup>33</sup> UN Women, Securing Women's Property Rights (2023) <https://sdg-action.org/securing-womens-property-rights/>

<sup>34</sup> Food and Agriculture Organization (FAO), Legal Reforms for Women's Land Rights (2019) <http://www.fao.org/3/ca4793en/ca4793en.pdf>

<sup>35</sup> United Nations Statistics Division, Gender-Disaggregated Data (2021) <https://unstats.un.org/sdgs/metadata/>

<sup>36</sup> UN Women, Women's Land and Property Rights: Barriers and Opportunities (2022) <https://www.unwomen.org/en/digital-library/publications/2022/womens-land-and-property-rights-barriers-and-opportunities>

<sup>37</sup> Global Land Alliance, Legal Literacy and Women's Property Rights (2022) <https://globallandalliance.org/resources/legal-literacy-and-womens-land-rights>

<sup>38</sup> UN Women, Community Engagement for Women's Land Rights (2018) <https://www.unwomen.org/en/digital-library/publications/2018/3/cedaw-and-rural-womens-land-rights>

## 5.4 Supporting Grassroots and Civil Society Initiatives

Grassroots organizations and women's groups play an indispensable role in advocating for rights, providing legal aid, and supporting women through disputes and negotiations over property.<sup>39</sup> Governments and international donors should enhance support for these groups to amplify their impact. Partnerships between civil society, government, and international organizations can promote more all-encompassing approaches to advancing women's property rights.

## 5.5 Leveraging International Mechanisms and Accountability

International legal instruments like CEDAW and SDG 5 provide frameworks for accountability. States should be encouraged to submit timely and detailed reports to treaty bodies, respond constructively to recommendations, and incorporate global obligations into national development plans.<sup>40</sup>

## 6. Conclusion and Key Findings

This research underscores the crucial role that international law, particularly the international framework for protecting women's rights and eliminating discrimination (CEDAW) and Sustainable Development Goal 5 (SDG 5), plays in advancing women's property rights globally. These frameworks provide normative standards and measurable targets that have influenced many countries to reform discriminatory laws and policies related to women's ownership, control, and inheritance of property.

### Key Findings include:

- **Legal Frameworks:** CEDAW mandates equality in property rights, and SDG 5 reinforces this through specific targets promoting women's access to economic resources. Together, they create a robust international legal foundation for reform.
- **Implementation Gap:** Despite widespread ratification and adoption of these frameworks, a significant gap remains between legal provisions and practical enforcement. Customary and religious laws often conflict with statutory laws, limiting women's actual access to property rights.
- **Institutional and Social Barriers:** Weak institutional capacity, gender bias in judicial and administrative bodies, and entrenched patriarchal norms continue to obstruct women's ability to claim and exercise property rights.
- **Role of Civil Society:** Grassroots organizations and international agencies are essential in raising awareness, providing legal aid, and pressuring governments to fulfill their international commitments.
- **Data and Monitoring:** Gender-disaggregated data and regular Proper reporting frameworks are fundamental for monitoring advancement and recognizing challenges, and informing policy interventions.

In conclusion, while international law provides indispensable tools for promoting women's property rights, substantive progress demands a holistic strategy integrating legal reforms, institutional strengthening, societal change, and international cooperation. Empowering women to realize their property rights is not only a matter of legal justice but also a critical pathway to achieving broader gender equality and sustainable development goals.

<sup>39</sup>United Nations Educational, Scientific and Cultural Organization (UNESCO), Gender Equality in Education (2020) <https://en.unesco.org/themes/gender-equality-education>

<sup>40</sup>United Nations Human Rights Office, CEDAW Monitoring and Reporting (2020) <https://www.ohchr.org/en/treaty-bodies/cedaw/reporting-and-monitoring>