RRI’s Gender Methodology

For a core set of 30 countries, RRI maintains detailed qualitative data on Indigenous, Afro-descendant, and community women’s legally recognized rights to community forests under national laws. The unit of analysis is the community-based tenure regime (CBTR) which is defined as a distinguishable set of national, state-issued laws and regulations governing “all situations under which the right to own or manage terrestrial natural resources is held at the community level” (RRI, 2015). Countries may have no CBTRs, one CBTR, or many CBTRs.

Indicators assessed by this methodology can be divided into Overarching and CBTR-Specific.

**Overarching Legal Indicators** – These indicators apply to all women in a country, regardless of whether they exercise property rights through a community-based tenure system.

**Constitutional Equal Protection:** Does the constitution contain gender-specific equal-protection provisions or prohibit gender-based discrimination? If the constitution affirmatively recognizes customary law, customary practices, and/or customary rights/tenure, does it also require customary law, customary practices, and/or customary rights/tenure to conform with all other provisions of the constitution?

- **Full credit** – Either A or B are fully satisfied:
  - A. The constitution either prohibits gender-based discrimination or contains a provision guaranteeing equal protection specific to gender. However, the constitution does not affirmatively recognize customary law, customary practices, or customary rights/tenure.
  - B. All three of the following requirements are satisfied:
    1. The constitution prohibits gender-based discrimination or contains a provision guaranteeing equal protection specific to gender.
    2. The constitution affirmatively recognizes customary law, customary practices, or customary rights/tenure.
    3. The constitution explicitly requires customary law, customary practices, or customary rights/tenure to conform with all other provisions of the constitution.

- **Partial credit** – Either A, B, or C are fully satisfied:
  - A. The constitution contains a non-discrimination or equal-protection provision that does not specify gender but does explicitly include all individuals without exception.
  - B. The constitution prohibits gender-based discrimination or has a provision guaranteeing equal protection that specifies gender. The constitution also recognizes customary law, customary practices, or customary rights/tenure, but fails to require customary law, customary practices, or customary rights/tenure to conform with all other provisions of the constitution.
  - C. The constitution does not contain non-discrimination or equal-protection provisions. However, it does establish that treaties are self-executing, and the country has ratified or acceded to CEDAW.
• No credit – The constitution does not contain non-discrimination or equal-protection provisions. It also lacks provisions that would make CEDAW self-executing.

**Women's Property Rights:** Does the constitution, land law, or other overarching environmental or agrarian law contain a general provision affirming all women’s property rights or prohibiting property-related practices that would adversely affect women’s access to or ownership of land?

• Full credit – The constitution, land law, or other overarching environmental or agrarian law contains a general provision affirming women’s property rights or prohibiting property-related practices that would adversely affect women’s access to or ownership of land.

• No credit – No general protections for women’s property rights exist in the legislation reviewed.

**Inheritance in National Laws:** Do overarching national laws provide equal protection for the intestate inheritance rights of daughters, widows, and women in consensual unions?

➢ **NOTE:** Although polygamous marriage arrangements have significant implications for the exercise of the inheritance rights of indigenous and rural women *in practice*, this study’s legal analysis of overarching inheritance laws does not consider polygamous marriage laws in assessing whether a widow has equal intestate inheritance rights in comparison to a widower. All results for the overarching inheritance rights of widows reflect national laws and regulations on the intestate inheritance of women in monogamous, statutorily recognized marriages, whether these unions are civil, customary, or religious. Furthermore, the focus of the study on intestate succession in overarching laws reflects the dominance of intestate succession in many rural areas in LMICs; testate succession laws and the content of individuals’ wills are outside the scope of this indicator.

• Full credit – Overarching laws mandate that daughters, widows, and women in consensual unions have intestate inheritance rights equal to those of their male counterparts (sons, husbands, and men in consensual unions). For this condition to be met, the law must specifically mention women’s mandatory rights to inherit and be nondiscriminatory (e.g. a daughter should not inherit a smaller share than a son).

• Partial credit – The law must provide at least some intestate inheritance rights to at least one category of women (e.g. daughters, widows, or consensual partners).

• No credit – The law provides no specific protection for women.

• Case-by-case – A country has multiple, distinctly enumerated intestate inheritance regimes, where at least one regime provides unequal inheritance rights to at least one category of women (daughters, widows, and women in consensual unions) in comparison to their male counterpart. In these circumstances, the overarching inheritance rights of women within the same category will vary according to the applicable inheritance regime.
**CBTR-Specific Indicators** – These indicators assess women’s rights in each CBTR analyzed in this report. They assess the extent to which statutory laws regulate key aspects of forest tenure practices in communities; they do not examine the realization of community practices.

**Membership:** Under CBTR-specific laws, are women explicitly defined as members of the community?
- **Full credit** – Membership is explicitly defined as extending to women.
- **Partial credit** – Membership is explicitly defined to include all/any/every adult in the community.
- **No credit** – Membership provisions explicitly limit community membership to men, define community membership at the household/familial level, or otherwise fail to recognize the individual membership rights of all adults in the community.
- **Not applicable** – There are no provisions defining membership at the community level.

**CBTR-Specific Inheritance:** Does the CBTR address inheritance? If so, are women’s inheritance rights specified?
- **Full credit** – The CBTR addresses inheritance and explicitly allows women to inherit land.
- **Partial credit** – The CBTR addresses inheritance but does not explicitly recognize women’s right to inherit land.
- **Not applicable** – The CBTR does not address inheritance.

**Voting (Governance):** Does the CBTR guarantee that women have the right to vote or take equivalent binding action in community general assemblies or equivalent community decision-making bodies? Additionally, is a quorum of women voters (or decision-makers) required to be present in order for the decision-making body to vote or take other legally binding action?

➢ **NOTE:** As explained in Chapter 2 of Power and Potential, this study’s voting indicator captures statutory laws recognizing women’s right to vote or to take equivalent binding action in community general assemblies or equivalent community-level decision-making bodies. The indicator is broad, and it can include laws recognizing consensus-based decision-making processes that require the agreement of all adult community members, in addition to more democratic processes dictated by majority rule. Only one consensus-based governance provision was identified in the 2016 analysis, however. Consequently, Power and Potential’s findings on this indicator relate almost exclusively to the right to participate in democratic voting processes.

- **Full credit** – Women have the right to vote or take equivalent action in a community general assembly or equivalent community decision-making body. Additionally, a quorum of women—that is, a minimum number of women voters/decision-makers—is required to be present for a general assembly to vote or take equivalent, legally binding action.
- **Partial credit** – Women are specified as having the right to vote or take equivalent action in the general assembly/equivalent community decision-making body, but there is no quorum requirement for women voters/decision-makers.
• No credit – Women are not specified as having the right to vote or take equivalent action in the general assembly/equivalent community decision-making body. Individual or household voting rights (or other decision-making rights) may be generally discussed.
• Not applicable – Community decision-making processes are not addressed in the CBTR.

Leadership (Governance): Under CBTR-specific laws, do community-level executive bodies require a minimum quota of women to be executive body members, and is a quorum of women executive members required to be present for the executive body to take binding actions?
• Full credit – Community-level executive bodies require both a minimum quota of women to hold seats in the body and a quorum of women executive members to be present for the body to exercise its decision-making authority.
• Partial credit – A minimum quota of women must be included in community-level executive bodies, but there is no women’s quorum requirement.
• No credit – There is no quota or quorum requirement related to women’s participation within community-level executive bodies.
• Not applicable – Community-level leadership is not addressed in the CBTR.

Dispute Resolution: Does the CBTR address mechanisms for resolving forest tenure disputes, and do provisions contain specific considerations for women?
• Full credit – The CBTR addresses mechanisms for resolving tenure disputes, and provisions contain specific considerations for women.
• Partial credit – The CBTR addresses mechanisms for resolving tenure disputes, but provisions do not contain any specific considerations for women.
• Not applicable – The CBTR does not address mechanisms for resolving tenure disputes.

For a more detailed discussion of the methodology, see *Power and Potential*.

We invite feedback on the methodology employed and the data presented in RRI’s reports and website by contacting Chloe Ginsburg: cginsburg@rightsandresources.org.