Review of legal frameworks regulating ownership rights/marital regimes

Zhiyuan Qian
UNSD
Inheritance Laws and Marital Regimes

• An individual’s property rights are dependent on
  – Inheritance laws (daughters and spouses)
  – Marital laws (determine allocation of ownership and management of property during marital union and its dissolution due to death or divorce)

These laws
• Can affect poverty status
• Ability to raise capital, financial inclusion, access credit
Inheritance Laws

Existing statutory and customary laws restrict women’s access to assets

Proportion of developing countries where:

- Law does not guarantee the same inheritance rights
- Law guarantees the same rights, but discriminatory practices against women exist
- Law guarantees the same rights for women and men

- 52% of countries
- 28% of countries
- 20% of countries
10 - Whether or not inheritance rights discriminate against women and girls

The law guarantees the same inheritance rights

The law guarantees the same inheritance rights, but some customary, traditional or religious practices discriminate

The law does not guarantee the same inheritance rights

No fixed data

No data
10 - Whether or not inheritance rights discriminate against women and girls
## Marital regimes

<table>
<thead>
<tr>
<th>common property regime</th>
<th>partial community property regime</th>
<th>separation of property regime</th>
</tr>
</thead>
<tbody>
<tr>
<td>all assets acquired prior to marriage and all assets acquired during marriage as well as inheritances are considered the joint property of the couple</td>
<td>assets brought into marriage and inheritance remain the sole property of the individual. Only those assets acquired during the marriage become joint property of the couple</td>
<td>no concept of marital or joint property; all assets (purchased or inherited) are considered individual property unless the couple has specifically sought joint ownership for an asset</td>
</tr>
</tbody>
</table>
Country responses

– Which type of law regarding property ownership within marriage exist in your country?

– In addition to legal framework, are there customary norms that govern the marital regimes?

– Please describe the legal framework and customary norms that govern inheritance regimes in the country.
Thank you

For additional information:  
edgestat@un.org  
https://unstats.un.org/EDGE