

A Survey of Cultural and Traditional Implication on Women's Rights to Land for Development

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Abstract

Recent research effort on women's right suggests that women are considered or treated as legal minors or have unequal status or entitlement to inheritance shares which impacts on their ability to acquire, enjoy, transfer and manage their inheritance in land. The paper, therefore considers the theoretical potentials for such treatment to women, and empirically analyze the factors impacting on the extent of influence community may exert on women's right. To accomplish this aim, questionnaires were administered using multi-stage hierarchical stratified sampling to communities' traditional rulers/chiefs of Oke-Ogun, North of Oyo State of Nigeria. Using mean rating point, the survey ranked these factors; culture, belief and level of education as the most significant factors. The result of the chi-square test however provides statistical relationship between the sex, age, religion and years on the post and their perception on women's right to land.

Keywords: Women, Rights, Land, Development, Culture

Introduction

In Nigeria today, arguments around political pluralism and good governance is rooted in land ownership. Land is one of the most important resources. This is because land is not only the primary means for generating a livelihood but often the main vehicle for investing, accumulating wealth, and transferring it between generations (Aluko and Amidu, 2006). Despite the importance of land and its associated resources, individual women rights to land are issues that are surrounded with inequality and transient as a result of some traditional and cultural practices.

Land rights are usually concerned of as the rights to use, enjoy and exploit land including information about, decision making around and benefits from the latter. Knowles, (1991) stated that land rights that are disputed depend on the ability to press claims before statutory and customary authorities, and particularly before the constituents of jural groups regulated by customary authorities.

Women's right to land is a critical factor in social status, economic well beings and empowerment (FAO, 2002). The culture and women rights to land have become a thorny issue in most parts of the world (Griffiths, 2001). Women's access to other natural resources, such as water, fuel, woods, fish and forest products, is also crucial for food security and income, particularly as land becomes increasingly scarce and access becomes a growing problem for women based on restriction places by the culture (Aluko, 2006). In many countries and regions of Sub-Saharan Africa, women's rights to land, and the incidence of exercising rights, have been eroding over time. Abdullah (2000) posited that the issue of women's inheritance rights is a major concern. In traditional, social and religious practice, women's rights to inherit property are unequal to the rights of men. In some cultures in Nigeria, women are regarded as property to be inherited after their husband's death. Dissatisfaction by various social groups in the issues of rights was expressed in terms of marginalization (Abdullah, 2000). The traditional cultures and customs continue to support male inheritance rights to land (Tsikata, 2003). Women are regarded as

strangers in their natal home and also in their marital clan. As described by Odgaard (2000), fathers transfer land to son or sons, wife's inheritance rights to husband's land is not guaranteed, while widows are often dispossessed by their in laws and rendered homeless.

In light of this, the power to control household resources, including land, lies with men. The problem, analysts says, is exacerbated by the largely conservative judiciary which has continued to give rulings that are unfriendly to women (Whitehead and Tsikata, 2003). However, the position of women in the society is crucial for proper housing, children rearing and family supportive roles. Women's roles are indispensable if poverty is to be eradicated and development accelerated in Nigeria.

This issue is not peculiar to Oke-Ogun of Oyo State. Often, women are often looked down upon on access to family land and a proper house just because they are women, because people think that women should not be allowed to have land or a house of their own. This confirms, (Wanyeki, 2003) that the issue of discrimination and women being marginalized from their rights to land has forced gender equality into democratic process.

The study contributes to knowledge by providing an empirical analysis of the factors from the view point of indigenous communities' leaders on the prevailing cultural practices affecting women rights to landed property in one way or the others.

Literature Review

Women rights to land: Women's equal rights to adequate housing, land and property are well elaborated under international human rights law but are often elusive in practice (UN Habitat, 2006). COHRE (2004) posited that adopting a pro-poor developmental or gender neutral human rights approach fails to appreciate the particular needs and concerns of women. Women's access to land, property and housing is grossly disproportionate to that enjoyed by men. In many countries, women are systematically denied ownership of property and inheritance rights as well as adequate housing and are particularly vulnerable to forced evictions (COHRE, 2004). According to Tsikata, (2004), systematic differences in land tenure rights between men and women contribute to structural inequality and to poverty for women. Access to land and control over its use are the basis for food, income and development in rural areas. As put by IIED (1999), access to other productive resources such as water, irrigation systems, and forest products is tied to land tenure as well. In the light of this, women who perform the role of heads of household are particularly vulnerable when their access to land is through their husbands and fathers; they often lose their property rights as a consequence of widowhood, divorce, or desertion. According to Tsikata, (2004), differences in property rights of women and men, and lack of direct access to and control of land, may place constraints on women's productive roles and diminish their power and influence in the household and the community.

Again, women in most regions appear to bear more burden of responsibility of family, whether there is a male reference person present in the household or not. UN (2006) established that female headed households, both *de jure* and *de facto*, are on the increase because of migration and male parental abandonment. This assertion is however agrees with the view of Action Aid International (2006), that women's increasing responsibility in reproducing and maintaining the family has increased over the last decades for a number of reasons:

- People are simply more mobile, and when men migrate away from their families women are often left with sole responsibility for their families;
- Societies and resource – poor households become more economically vulnerable to global market forces as traditional foods become less economical to produce, rural incomes decline, commercial agriculture becomes more impute intensive, and productive resources are dominated by agri-business;
- Local and regional crises such as civil war and AIDS affect men and women, but it is the women who are often left to care for orphaned dependents.

Lusugga and Hidaya (1996) opine that when a customary tenure system is able to ensure that households in the community have sufficient resources to provide for its subsistence needs, lower status performs such as women are also assured the means to provide for themselves and their families – though their access to land and land-bases resources is indirect and often dependent on a male relative. And as long as women often do not have direct control over land resources, they tend to lose their indirect rights when societal changes occur because those who have traditionally controlled resources are able to increase their own rights, often at the expenses of those with secondary rights.

Pereira (2001) opined that achieving sustainable development requires addressing inequality between men and women in the distribution of resources such as land.... Lack of ownership of land by women retards development and contributes to poverty. Because land in most families belongs to the man, many women do not have security of tenure; her tenure depends on the male – access giver. The foregoing position corresponds to what is obtainable in some parts of Nigerian societies. Just the same customary rules have the effect of excluding females from the clan or commercial entity, which rules then serve to exclude females from ownership. Action Aid International (2006) revealed that attempts by women to control property, especially land, are considered by the community as misbehaviour. A woman who buys land is seen as having “sinister” intentions either to run away from her marital home, or use it as a place to “entertain” other men.

The prevalence of the foregoing has been term gender discrimination to land (Whitehead, 2001b and Fajemirokun, 2004), gender inequality (Ozoemena and Hansungule, 2009; Runger, 2006), violence against women (Action Aid International, 2006).

Security of gender justice – gender equality between the sexes in a cultural milieu elicits much debate among policymakers, human rights activities and traditional institutions (Ozoemena and Hansungule 2009). This has triggered the advocacy from equality before the law for equal enjoyments, equal rights, freedom and elimination of discrimination of women to land ownership.

Research Setting

The insistence on the co-ownership clause of family and community land stems from the fact that legislation, customary and religious practices provide limited possibilities for women to own family land. This study intends to explore on this in Oke-Ogun in line with the cultural belief.

The study was conducted in Oke-Ogun area of South-Western Nigeria. The area covers about one-third of land mass and about one-fifth of the population of Oyo State (10 out of the 33 local government areas in the area). According to the 2006 census figures released by the national population commission, the population of the area is about 1,485,158: 757 and 578 for males and

727,580 females. This implies that males are about 51%, the females accounted for the remaining 49% (NPC, 2006).

Majority of the indigenes are traders and farmers. While the traders travel to the neighbouring countries such as Togo, Republic of Benin, Ghana, Cote d'Ivoire and Burkina Faso, the farmers cultivate portion(s) of their family /community land. The reason for the former could be attributed to the proximity to a border area.

The entire indigenes of Oke-Ogun are wholly Yoruba known for their dialect (assent). Beyond the river, "River Ogun" marks the entrance to the areas. The development of the area has been slow-moving as a result of the long neglect of past governments to develop good roads and establish industries.

Data Description and Methodology

Some numbers of influencing factors on women rights to land were identified. These factors (variables) form theoretical expectation about the limitation of women rights to land. It also provides a basis upon which an empirical analysis of cultural and traditional implication of women right to land emanates. The variables include;

- (i) Cultural practices
- (ii) Level of education
- (iii) Financial capacity of women
- (iv) Belief in the environment

The perception of traditional rulers/community leaders/chiefs on the effect that culture, education, belief and finance have on women right to land. The significance of these variables are measured on a 5 point likert format from 1 (strong disagree) to 5 point (strongly agree). A multi-stage hierarchical stratified sampling strategy was adopted in the selection of traditional community leaders/chiefs.

Out of 250 questionnaires administered, 199 (80%) were recorded valid. The study employed both descriptive and statistical methods of data analysis. These comprise frequency distribution, cross tabulation, standards deviation and chi square. The frequency distribution shows the basic distributional features of the data on the respondents' traditional/community leaders and also the data employed in the subsequent statistical analysis. The descriptive statistics like mean was used to rank the variables in addition to frequency and percentage distributions.

Finally, cross tabulation and chi-square test was employed to determine whether the differences in the rating of the variables could be based on the sex, age, and religion of the respondent rulers.

Empirical Results

General Information: In order to establish the reliability of the data collected for this study; which is a measure of the suitability of the target population, the study sought information on issues relating to the religion, educational level, belief, sex and age of rulers: table I, shows the evidence, the table shows that the respondents rulers are more of men 74.4% than women 25.6%. It is shown that aged personalities dominated the chieftaincy thrones with fast numbers of years on the throne, confirmed the reliability of the data collected.

Table 1: Demographic Characteristics of the Respondents

Demographic Characteristics	Variable	Frequency	Percent
Sex	Male	148	74.37
	Female	51	25.63
Age	30 – 40	5	2.51
	40 – 50	50	25.13
	50 – 60	58	34.17
	60 above	76	38.19
Religion	Islam	71	35.68
	Christian	63	31.66
	Traditional	65	32.66
Year on the throne	Between 1-5yrs	48	24.12
	Between 6 – 10	50	25.13
	Between 11-15	44	22.11
	Between 16-20	57	28.64
Educational qualification	Primary	58	29.15
	Modern	60	30.115
	Tertiary	44	22.11
	None	37	18.59

Traditional and Cultural Factors

The traditional community leaders in the study area were asked to identify, the perceived significance and insignificance of the factors limiting the right of women to land.

It is evidenced from table2 that more than 50% of traditional rulers/chiefs yielded to the tune of the actors in the construct, except traditional rulers' religion point of view (48.3%), issue of woman to disrespect their husband and level of education having more effect than culture.

Specifically, in examining the effect sub-factors (variables) under each of the construct, it is revealed that more than 50% respondent leaders, except the issue of women's disrespect to their husband 30.2%, stick strictly to the culture and tradition of the areas which really and potentially discriminate women's right to land. The variation in the extent of the cultural practice is further revealed by the standard deviation.

As regard education/literacy level, it is also shown that education is less regarded than the cultural heritage, 89.5% with mean (x) of 1.67. Although, 79.9% respondents agreed that education tends to change the circumstance while 59.3% respondents agreed that the cultural effect has been as a result of inaccessibility to early education in the area on the issue of land and women's right.

It is also evidenced that women's right to land is less of finance than culture in the area. In order word, 97% respondents agreed to the fact that it is more of culture than finance, 96% and 94.5% further confirmed that, even with finance really available, women cannot override cultural heritages.

Concerning the aspect of belief, it was revealed that 80.4% respondents, on the belief that it is a man to liberate a woman to gain access to land, although, 58.3% of the rulers claimed that there is no basis to restrict “woman from community land. 91.5% of rulers attributed their reasons to the norm that women cannot be a good head in the issue of community land.

Consequently, 93% of the respondent traditional rulers believe in the old “faith” that women are naturally inferior to men because the former are created from the ribs of the latter.

Table 2: Surveyed Influencing Factors on Women’s Right to Land

Factors	SA	A	N	D	SD	Mean	S.D
<u>Culture</u>							
• Cultural practice cannot be overlooked by so freely allowing women’s access to family land	132 (66.3)	59.0 (29.7)	3.0 (1.5)	4.0 (2.0)	1.0 (0.5)	4.59	0.67
• Community culture can in most cases naturally affect women rights to land	112 (56.3)	82.0 (41.2)	1.0 (0.5)	4.0 (2.0)	0 (0.0)	4.51	0.62
• Cultural norms are vital because if female children are given land by fathers they might disrespect husbands	23 (11.6)	37.0 (18.6)	3.0 (1.5)	114.0 (57.3)	22.0 (11.1)	2.62	1.24
• By virtue of the culture tradition, women are somewhat not having direct access to land	81.0 (40.7)	82.0 (41.2)	3.0 (1.5)	14.0 (7.0)	19.0 (9.6)	3.96	1.25
<u>Education</u>							
• Level of education/literacy has more effect than culture in issue of woman right to land	6 (3.0)	10 (5.0)	5 (2.5)	69 34.7	109 54.8	1.67	0.97
• Education can counter the level of women discrimination to land	49 (24.6)	106 (53.3)	2 (1.0)	33 (16.6)	9 4.5	3.77	1.13
• Lack of early education on women right to land, slow downs development	35 (17.6)	83 (41.71)	0 (0.0)	54 (27.1)	27 (13.57)	3.33	1.38
<u>Finance</u>							
• The major problem of women’s access to family land is not more of culture/traditional finance	69 (34.7)	24 (62.3)	0 (0.0)	2 (1.0)	4 (2.1)	1.45	0.70
• With finance, women can freely have access to family land	2 (1.0)	6 (3.0)	0 (0.0)	78 (39.2)	113 (56.8)	1.52	0.74

<ul style="list-style-type: none"> Inaccessibility to family land by women is broken gradually if she is financially capable 	3.0 (1.51)	4.0 (2.0)	0 (0.0)	92 (46.2)	100 (50.1)	1.58	0.74
<ul style="list-style-type: none"> Only well-to-do women can take possession of family/community land 	1 (0.50)	7 (3.5)	3 (1.5)	98 (49.3)	90 (45.2)	1.65	0.73
<p>Belief</p> <ul style="list-style-type: none"> The belief in the area forbids not the quantity of women's right to land 	7 (3.5)	22 (13.6)	5 (2.5)	12.0 (63.3)	34 (17.1)	2.23	1.00
<ul style="list-style-type: none"> Women are weak in the headship and may make wrong decisions in relation to land 	77 (38.7)	105 (52.8)	1 (0.0)	13 (6.5)	3 (1.5)	4.21	0.87
<ul style="list-style-type: none"> Land is for the clan, forefather, women have no much influence when it comes to family land because God created man first and later women from man's rib 	82 (41.2)	103 (51.8)	3 (1.5)	5 (2.5)	6 (3.0)	4.26	0.86

Note: **SA** = Strongly Agreed; **A** = Agreed; **N** = Neutral; **D** = Disagreed; **SD** = Strongly Disagreed
M = Mean; **S.D** = Standard Deviation.

Have all these aforementioned attributes in any way affected land development? Table 3 presents the frequency and percentage of the respondents to that effect.

Table 3: Effect of Women's Right to Land on Development

Rating	Very strongly	Strongly	Moderated low	Very low	Total
Frequency	28	43	40	88	
Percentage	14.07%	21.61%	20.10%	44.22%	

The study again revealed the common approaches women in the area adopt to acquire land in table 4. 70.35% of the respondents confirmed that women acquired their needed land by outright purchase which is yet far above 40% of inheritance.

Table 4: Method of Claiming Access to Land by Women

Category	Frequency	Percentage
Outright purchase	140	70.35
Lease	17	8.54
Inheritance	40	20.10
Others	2	1.01

Total	199	100.00
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Conclusion

This paper empirically examined the implication of culture and tradition potentially impacting on the extent of women's right to land. Three factors; culture, education level and belief were ranked; through mean rating point, as the three most significant factors affecting women's right to land.

The rating of these factors appeared to be a reflection of the low level of education and awareness on land development criterion. This problem however, calls for constructive formal and legal steps by stakeholders; government; and community leaders to ensure good land administration and regularization for efficient development in Nigeria.

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APPENDIX
CROSS TABULATIONS AND CHI-SQUARE TEST RESULTS

Cultural practice cannot be overlooked by so freely allowing women's access to family land								
Sex Factor			Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Total
Sex	Male	Count	1	2	3	44	98	148
	Female	Count	-	2	-	15	34	51
Total		Count	1	4	3	59	132	199
Chi-square test p value								2.627

Level of education/literacy has more effect than culture in issue of women's right to land								
Sex Factor			Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Total
Sex	Male	Count	80	48	5	10	5	148
	Female	Count	29	21	-	-	1	51
Total		Count	109	69	5	10	6	199
Chi-square test p value								6.313

The belief in the area forbids not the quantity of women's right to land								
Sex Factor			Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Total
Sex	Male	Count	25	96	5	17	5	148
	Female	Count	9	30	-	10	2	51
Total		Count	34	126	5	27	7	199
Chi-square test p value								3.83

Inaccessibility to family land by women is broken gradually if she is financially capable								
Sex Factor			Strongly Disagree	Disagree	Agree	Strongly Agree	Total	
Sex	Male	Count	76	67	2	3	148	
	Female	Count	24	25	2	-	51	
Total		Count	100	92	4	3	199	
Chi-square test p value								2.54

Cultural practice cannot be overlooked by so freely allowing women's access to family land								
Age Factor			Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Total
Age	30 – 40	Count	0	0	0	2	3	5
	40 – 50	Count	0	3	0	7	40	50
	50 – 60	Count	0	0	0	16	52	68
	60 above	Count	1	1	3	34	37	76
Total		Count	1	4	3	59	132	199

Chi-square test p value	29.15
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Level of education/literacy has more effect than culture in issue of women's right to land								
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Age Factor			Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Total
Age	30 – 40	Count	3	2	0	0	0	5
	40 – 50	Count	30	17	1	2	0	50
	50 – 60	Count	41	25	0	1	1	68
	60 above	Count	35	25	4	7	5	76
Total		Count	109	69	5	10	6	199
Chi-square test p value								16.20

The belief in the area forbids not the quantity of women's right to land								
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Age Factor			Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Total
Age	30 – 40	Count	2	2	0	1	0	5
	40 – 50	Count	8	30	1	8	3	50
	50 – 60	Count	4	48	2	11	3	68
	60 above	Count	20	46	2	7	1	76
Total		Count	34	126	5	27	7	199
Chi-square test p value								15.79

Inaccessibility to family land by women is broken gradually if she is financially capable							
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Educator Factor			Strongly Disagree	Disagree	Agree	Strongly Agree	Total	
Educational qualification	Primary	Count	25	17	2	0	44	
	Secondary	Count	27	31	0	0	58	
	Tertiary	Count	32	26	2	0	60	
	None	Count	32	26	2	0	60	
Total		Count	100	92	4	3	199	
Chi-square test p value								19.34

Cultural practice cannot be overlooked by so freely allowing women's access to family land								
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Religion factor			Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Total
Religion	Islam	Count	0	1	0	20	50	71
	Christian	Count	1	2	0	17	43	63
	Traditional	Count	0	1	3	22	39	65
Total		Count	1	4	3	59	132	199
Chi-square test p value								10.165

Level of education/literacy has more effect than culture in issue of women's right to land								
Religion factor			Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Total
Religion	Islam	Count	43	25	0	2	1	71
	Christian	Count	34	22	2	4	1	63
	Traditional	Count	32	22	3	4	4	65
Total		Count	109	69	5	10	6	199
Chi-square test p value								8.10

The belief in the area forbids not the quantity of women's right to land								
Religion factor			Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Total
Religion	Islam	Count	9	50	2	10	0	71
	Christian	Count	12	33	1	11	6	63
	Traditional	Count	13	43	2	6	1	65
Total		Count	34	126	5	27	7	199
Chi-square test p value								14.74

Inaccessibility to family land by women is broken gradually if she is financially capable								
Religion factor			Strongly Disagree	Disagree	Agree	Strongly Agree	Total	
Religion	Islam	Count	35	35	0	1	71	
	Christian	Count	32	28	3	0	63	
	Traditional	Count	33	29	1	2	65	
Total		Count	100	92	4	3	199	
Chi-square test p value								6.13