



WOMEN, LAND AND PEACE

TRAINING GUIDE TO ADVANCE WOMEN'S HOUSING, LAND AND
PROPERTY RIGHTS IN FRAGILE CONTEXTS

A WORLD IN WHICH EVERYONE ENJOYS SECURE LAND RIGHTS



Women, Land and Peace. Training Guided to Advance Women's Housing Land and Property Rights in Fragile Contexts.
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ACRONYMS & ABBREVIATIONS

| | |
|-------------------|-----------------------------------------------------------------------------------|
| AHRD | ASEAN Human Rights Declaration |
| ASEAN | Association of Southeast Asian Nations |
| CEDAW | Convention on the Elimination of All Forms of Discrimination Against Women |
| ECLAC | United Nations Economic Commission for Latin America and the Caribbean |
| FAO | Food and Agriculture Organization of the United Nations |
| GEC | Gender Evaluation Criteria |
| GLTN | Global Land Tool Network |
| ICCPR | International Covenant on Civil and Political Rights |
| ICERD | International Convention on the Elimination of All Forms of Racial Discrimination |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| IDP | Internally Displaced Person |
| JOHUD | Jordanian Hashemite Fund for Human Development |
| NGO | Non-Governmental Organisation |
| NUA | New Urban Agenda |
| SDGEA | Solemn Declaration on Gender Equality in Africa |
| SDGs | Sustainable Development Goals |
| UNCHS | United Nations Centre for Human Settlements |
| UN-Habitat | United Nations Human Settlements Programme |
| UNHCR | United Nations High Commissioner for Refugees |

OVERVIEW OF THE TRAINING GUIDE

Purpose of the guide

UN-Habitat and the Global Land Tool Network (GLTN) developed this training guide to build awareness among land practitioners on the importance of women's housing, land and property rights in fragile contexts, helping them understand the specific challenges faced by women and the implications for their well-being and empowerment. The guide seeks to enhance practitioners' knowledge by providing foundational information on legal frameworks, policies, and best practices related to women's housing, land and property rights in such contexts, enabling them to integrate a gender-responsive approach into their work.

The guide refers to women's housing, land and property (HLP) rights as a short formulation for housing, land and property rights of different categories of women and girls.

Target groups

This guide is intended for a broad audience of land professionals and practitioners working for the development and humanitarian sectors at the intersection of land, governance and gender issues, who do not already have extensive background and specialised technical knowledge on the topic. This includes government representatives, personnel from civil society organisations, NGOs, women and youth organisations, cultural and religious groups, elders and religious leaders, land professionals, etc. The content is relevant for both humanitarian and development actors. The inclusion and participation of these groups, particularly women, is fundamental for advancing and securing women's housing, land and property rights.

Content

The content of this guide builds on the field experiences of UN-Habitat and the Global Land Tool Network's partners in various fragile and conflict-affected contexts, information gathered from relevant referenced literature and from the research undertaken during the preparation of the report "Women and Land in the Muslim World: Pathways to increase access to land for the realisation of development, peace and human rights" developed by UN-Habitat and GLTN in 2018. Prominence is given to lessons and experiences gathered in Muslim-majority countries, but the guide's content is global and relevant to all fragile contexts. The guide draws on support materials, including UN-Habitat and GLTN's land tools and manuals.

The guide is organised into five modules, each covering a different topic essential to provide needed learning materials, best practices, case studies, information for facilitators and training organisers, and tools to support the training events. The modules are:

- **Module 1** – Why do women's housing, land and property rights matter?
- **Module 2** – What protects women's housing, land and property rights
- **Module 3** – How women access housing, land and property: mapping challenges and opportunities
- **Module 4** – Creating an enabling environment
- **Module 5** – Monitoring and measuring progress

The modules can be used as a reference tool and as source material for training workshops or discussion sessions. The modules can also serve as a toolkit for a dedicated 3–4-day training course.

OVERVIEW OF THE TRAINING GUIDE

Overview of the course's modules

| Module | Title | Synopsis |
|--------|-----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Why do women's housing, land and property rights matter? | This module outlines some of the most pressing reasons why it is necessary to advocate for and protect women's housing, land and property rights for the benefit of the society as a whole, and to achieve and sustain peace and stability. |
| 2 | What protects women's housing, land and property rights | This module introduces the main international and regional frameworks, customary practices and an example of religious law (the Islamic land law) protecting women's housing, land and property rights. |
| 3 | How women access housing, land and property: mapping challenges and opportunities | This module outlines the main avenues through which women access housing, land and property, highlighting related challenges and opportunities. |
| 4 | Creating an enabling environment | This module outlines the main strategies to advance and protect women's housing, land and property rights in fragile contexts. |
| 5 | Monitoring and measuring progress | This module highlights the importance of monitoring and measuring the progress of women's housing, land and property rights and outlines the main tools and indicators useful to monitor and measure such progress. |

ABOUT THE GLOBAL LAND TOOL NETWORK

The Global Land Tool Network (GLTN) is a dynamic and multisectoral alliance of international partners committed to increasing access to land and tenure security for all, with a particular focus on the poor, women and youth. The Network's partners include international rural and urban civil society organisations, research and training institutions, bilateral and

multilateral organisations, and international professional bodies. The Global Land Tool Network aims to develop inclusive tools such as guidelines, methods and procedures in key areas relating to land, as highlighted in the table below. A number of these tools are relevant for the training on women's land and property rights in fragile contexts.

| Land tool | Description |
|-------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Access to land and tenure security | |
| Continuum of land rights | Recognises a wide spectrum of tenure arrangements between the extremes of formal individual titles to private property and informal, community-governed communal rights to land. |
| Participatory enumerations | Allows for local people to gather data on their area, ownership and occupancy patterns, infrastructure and services. |
| Land records system for the poor | Guides the design and management of a pro-poor land recordation system and highlights the core requirements or elements for the system's success. |
| Customary land tenure | Recognise the role of customary tenure systems, including communal tenure, in both rural and urban areas to deliver at-scale access to land and land tenure security. |
| Land administration and information | |
| Social Tenure Domain Model | Provides a standard for representing relationships between people and land independently of the level of formality, legality and technical accuracy. It is a specialisation of the Land Administration Domain Model. ¹ |
| Costing and financing of land administration services | Assists policymakers and land administrators in the costing, financing and project design of land administration services related to land reform, identifies the cost implications of decisions and supports fit-for-purpose approaches. |
| Transparency in land administration | Trains land administration leaders to improve transparency and combat corruption. |
| Fit-for-purpose land administration | Provides structured guidance on building the spatial, legal and institutional frameworks to support designing country-specific strategies for implementing fit-for-purpose land administration. It contains the analysis and operational advisory guidelines to implement the approach. |
| Land-based financing | |
| Land-based financing | Expands the understanding of local leaders and provides practical guidance on mobilising additional revenues related to land by providing content and format for a hands-on, interactive and action-focused training workshop with case studies from around the world. |
| Valuation of unregistered lands and properties | Guides how to value unregistered lands and properties. It is intended for policymakers, valuation practitioners, other land professionals and various stakeholders involved in valuing unregistered lands. |
| Innovative land property taxation | Presents a step-by-step approach to implementing various land and property taxation policies, strategies, tools and instruments. It provides various taxation alternatives that can be adapted to local contexts and local and central authorities' capacities. |

¹ As defined in standard ISO 19152:2012 of the International Organization for Standardization.

ABOUT THE GLOBAL LAND TOOL NETWORK

| Land management and planning | |
|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Participatory and inclusive land readjustment | Shows how to rearrange the ownership and use of fragmented land areas in and around cities to permit development, slum upgrading and regularisation. It brings together land parcels belonging to different owners and treats them as a single unit for planning and infrastructure provision. |
| Tenure-responsive land use planning | Guides on improving tenure security through land use planning. The guide is complemented by an e-learning package that supports effective learning and knowledge dissemination. |
| Citywide planning | Highlights the necessary steps to initiate and sustain a comprehensive planning process for a citywide strategic plan, drawing on lessons from various practices and experiences. It provides generic guidance that can be adapted to the local situation. |
| Citywide planning slum upgrading | Allows for the development of slum areas without expropriation or relocation through an inclusive and participatory process that is defined by its system of contributions, benefits and compensation. |
| Land policy and legislation | |
| Regulatory Framework for non-State actors | Presents viable ways to establish a non-State actor mechanism and inform decision-makers engaged in the land sector, including national governments and bilateral and multilateral implementing agencies, about the value addition of non-State actors in land reform processes. |
| Pro-poor land policy development | Outlines a participatory process for developing policies relating to land. It can be adapted as appropriate to specific country contexts and is intended for ministers and senior policymakers responsible for land issues and donors, professionals, consultants and non-governmental organisations involved in developing land policies. The tool has been adapted for the Somali region. |
| Land sector coordination mechanism | Presents guidance on establishing an effective land sector and coordinating different actors in the sector. It offers viable approaches to pursuing institutional harmonisation processes. |
| Cross-cutting issues | |
| Gender | Provides criteria and guidelines for practitioners to ensure that women's needs for and access to land, as well as those of men, are adequately addressed in programming. |
| Youth | Presents criteria for assessing the responsiveness of land programmes to youth needs. |
| Land and conflict | Guides how to address land issues along the conflict cycle and how to strengthen partnerships and capacity across the United Nations system to deal with land for peace, stability and economic development. |
| Land and disaster | Provides a holistic approach to addressing land issues from the immediate aftermath of a natural disaster through the early recovery and reconstruction phases. |
| Land monitoring and indicators | Presents indicators and methodologies for monitoring the status of land-related issues, comparable across countries and land tenure regimes. |
| Grassroots | Provides a model, guidelines and a training package for enabling the participation of local people in land-related initiatives. |
| Islamic land mechanisms | Provides training on land, property and housing rights in the Muslim world as well as key principles and elements of the Islamic dimensions of land. The training package is intended to provide a wider understanding of integrating Islamic dimensions into land projects and programmes. |

Visit www.gltn.net for more information.

MODULE 1

WHY DO WOMEN'S HOUSING, LAND AND PROPERTY RIGHTS MATTER?

1.1 OBJECTIVES AND LEARNING OUTCOMES

This module outlines some of the most pressing reasons why women's housing, land and property rights matter – everywhere, but even more in fragile contexts. Women's housing, land and property rights contribute to the social and economic development of communities and to the broader realisation of human rights. They enhance women's empowerment and participation in decision-making and contribute to stabilising societies affected by crisis and conflicts while increasing women's protection from gender-based violence, extreme weather conditions and other health hazards. For women, access to and control over housing, land and property represents security, stability, independence and freedom.

Objectives

This module aims to broaden the understanding of the importance of securing women's housing, land and property rights and to provide compelling arguments that can be used by the training participants or other stakeholders to raise awareness and push forward gendered land reforms.

Learning outcomes

At the end of this module, participants will be able to:

- Identify context-specific reasons for emphasising securing women's housing, land and property rights;
- Advocate for women's housing, land and property rights using compelling arguments;
- Discuss and use gendered considerations to housing, land and property rights.

1.2 WHY DO WOMEN NEED HOUSING, LAND AND PROPERTY RIGHTS?

Women's housing, land and property rights ensure the sustainable social and economic development of their families and communities. Securing women's housing, land and property rights leads to increased agricultural productivity and production, contributing

to food security and making them one of the pillars of the fight against poverty. In developing countries, women count for most of the agricultural labour and livestock-keeping force, yet less than 13 per cent of agrarian landholders are women (FAO, 2020). Weak tenure security and limited decision-making power for women result in low investment and productivity loss, negatively impacting families and children.

Women's access to and control over land and other productive resources increases women's independence. It also brings long-term benefits for families and communities, particularly for children, through increased investment in education, health and nutrition and by providing old age support for both women and men. This is especially important in fragile contexts, where people have less access to pension and saving schemes. In urban contexts, increased tenure security for women encourages investment in house upgrading and allows women to access credit and micro-finance opportunities for starting their own businesses by using the titled plot as a guarantee.

Women's housing, land and property rights contribute to the realisation of human rights. The human right to security of tenure, including protection from forced eviction, is pivotal for realising the right to an adequate standard of living and adequate housing. Increasing tenure security, particularly for women in fragile and conflict-affected contexts, is a pressing matter as it often represents the only form of protection for displaced women who lack family support. Access to and control over land allows them to better manage their everyday needs and those of their dependents. Regardless of whether a woman lives in a rural or urban context, housing, land and property rights contribute to the attainment and enjoyment of a broad spectrum of human rights, including the right to equality, food, health, work and education.

Women's housing, land and property rights contribute to their leadership and participation in decision-making. Access to land contributes to

women's leadership and involvement in decision-making by rebalancing roles within families and communities while increasing their civic engagement and public participation. Access and control over land is a critical factor in defining and enhancing their social security, status and identity. These are all necessary elements to boost their participation in local decision-making processes and political power.

*"Land also has great cultural, religious and legal significance. There is a strong correlation in many societies between decision-making powers and the quantity and quality of land rights one holds. In rural areas, social inclusion or exclusion often depend solely on the individual's landholding status. Even in urban areas, the right to participate in municipal planning, community decisions and sometimes elections can rely on the status of an individual as a resident or homeowner."*²

Women's housing, land and property rights increase their protection from gender-based violence and health hazards. The relationship between women's housing, land and property rights and gender-based violence is often complex and varies according to context and culture. In low-income and agriculture-based economies, land and housing ownership often contribute to reducing physical and psychological domestic violence. Women who own land and housing are more capable of exiting violent relationships, making informed decisions over their sexual and reproductive health and rights, and having the financial means to provide for themselves and for their dependents. However, if male relatives feel their power is threatened or questioned when a woman claims her rights, she is more likely to be exposed to psychological and physical violence – and even death in extreme cases – at the hand of her relatives.

Tenure security also contributes to reducing women's vulnerability to HIV, as it prevents them from engaging in sexually risky behaviours and helps them cope with the social and economic impact of the HIV epidemic at the household level.

Housing, land and property rights enable women to play a bigger role in the stabilisation of societies in fragile contexts. Securing women's housing, land and property rights allows them to contribute to the transition from the humanitarian phase towards recovery and self-reliance, and to alleviate the negative economic and social impact of conflict by securing their financial independence and becoming breadwinners, heads of households and caregivers to those in need. This is particularly critical for displaced women who are often separated from their families and communities.

Further, secure land rights for all contribute to the development of socially and economically stable societies, thus preventing a relapse into conflict. In addition, the protection of housing, land and property rights of all women and men strengthens the relationship between people and institutions, which is an important state-building and peacebuilding factor in fragile contexts and increases the likelihood of implementing peace agreements.

United Nations Security Council Resolution 1325 (2000) highlights the critical role of women in preventing and resolving conflicts, peace negotiations, peacebuilding, peacekeeping, humanitarian response and post-conflict reconstruction. The contribution of women in peacebuilding is also outlined by the United Nations Secretary General's Report on Women's Participation in Peacebuilding (2010) which draws attention to women's contributions to increasing family and community food security during conflict.

² FIG (2001). Women's Access to Land – FIG Guidelines. Principles for Equitable Gender Inclusion in Land Administration: Background Report and Guidelines. FIG Publication No. 24.

Box 1: Useful advocacy global and regional resources on women and land

- UN-Habitat/GLTN, HLP Area of Responsibility of the Global Protection Cluster, NRC, UNHCR (2022). [Key Messages on Sustaining Peace through Women's Empowerment and Increased Access to Land and Property Rights in Fragile and Conflict-affected Contexts](#) (available in English and Arabic).
- UN-Habitat/GLTN, HLP Area of Responsibility of the Global Protection Cluster, SDC, SIDA (2023). [Advocacy video on Women, Land and Peace](#) (available in English, French and Arabic).
- UN-Habitat/GLTN, Stand for Her Land Campaign (2022). [Key messages on Empower and Improve the Life of Women by Protecting their Land, Housing and Property Rights in the Arab Region](#) (available in English and Arabic).
- UN-Habitat/GLTN, Stand for Her Land Campaign (n.d.). [Arab Region Campaign on Women and Land](#) (campaign materials available in English, French and Arabic).
- UN-Habitat/GLTN (2023). [Land, Women and Socioeconomic Development in the Arab Region](#) (report and decision maker's brief).



MODULE 2
WHAT PROTECTS
WOMEN'S HOUSING,
LAND AND PROPERTY
RIGHTS

2.1 OBJECTIVES AND LEARNING OUTCOMES

Women's housing, land and property rights are entrenched and protected by different international and national legal instruments. A plurality of legal sources and practices is often found at the country level, including statutory, customary, and religious laws. Legal pluralism is widespread and has a greater impact on fragile countries where national institutions are often weak and struggle to reach and service large tracts of the population.

This module outlines the main international and regional frameworks, customary practices and an example of religious law – Islamic law, which contains highly developed land-related provisions that have a significant impact on Muslim-majority countries' statutory laws and local practices. For obvious reasons, the module does not describe national statutory regulations, which vary greatly from country to country. Such information can be prepared for the national adaptations of the training module as relevant to each specific context.

To effectively protect and promote women's housing, land and property rights in fragile contexts, it is important to understand the different legal instruments at play and learn how to operate in contexts of prevailing legal pluralism. The decisions on how to intervene, which source or sources of law to refer to, and what entry points to identify will depend on the analysis of costs and benefits that such legal instruments can offer in the short, medium and long term. Section 2.2 of this Module focuses on this important aspect.

Objectives

This module aims to provide an overview of existing legal instruments protecting women's housing, land and property rights, how they relate to each other and how to work with them in contexts of legal pluralism.

Learning outcomes

At the end of this module, participants will be able to:

- Identify the different international and regional legal frameworks that protect women's housing, land and property rights;
- Build strong arguments and define actions based on international human rights instruments;
- Identify and select the preferred entry points and opportunities for protecting and promoting women's housing, land and property rights;
- Understand and work in context of legal pluralism.

2.2 LEGAL FRAMEWORKS

Numerous international instruments call upon state governments to protect and promote women's housing, land and property rights. Although national legislations generally safeguard women's access to land, full equality between women's and men's rights is not always guaranteed, especially in some areas of family and personal law. Customary practices and the Islamic land can law offer, in specific contexts, additional viable entry points and opportunities for protecting and promoting women's housing, land and property rights. In order to design and implement effective strategies and interventions to fill the gaps between laws and implementation, it is crucial to understand and align the different existing legal frameworks, institutional roles and responsibilities to reduce overlaps and contradictions.

2.2.1 International legal instruments

At the international level, women's housing, land and property rights have been protected since the 1940s with several legal instruments under two streams of legislation:

- the first is **the right to adequate housing** which provides protection from forced eviction and promotes land tenure security and housing, land and property restitution;

- the second is the recognition and promotion of **equal rights of men and women.**

International human rights instruments can be further divided into two categories:

- **declarations** – adopted by international bodies such as the United Nations General Assembly and not legally binding, and
- **conventions** – legally binding instruments concluded under international law.

These instruments are used by human rights advocates and gender equality promoters to sustain their arguments and contribute to the political dialogue at the national level, where global normative thinking is most urgent. International frameworks have been influenced by, and have influenced, regional and national treaties and laws, some of which are presented below. Promoting and contributing to this international dialogue is crucial to increasing the domestication and adaptation of global frameworks to regional and country frameworks where they have more relevance.

Declarations and frameworks

The **Universal Declaration of Human Rights** (1948) recognises the right to adequate housing as part of the right to an adequate standard of living (Article 25). The right to adequate housing contains entitlements including security of tenure; housing, land and property restitution; equal and non-discriminatory access to adequate housing; and participation in housing-related decision-making at the national and community levels. The Universal Declaration of Human Rights sets different relevant provisions which constitute the basis of the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

The **Declaration on the Elimination of Discrimination against Women** (1967) affirms that “[a]ll appropriate measures, particularly legislative measures, shall be taken to ensure to women, married or unmarried, equal rights with men in the field of civil law, and in particular the right to acquire, administer, enjoy, dispose of and inherit property, including property acquired during marriage.”³ This declaration sets the basis for the Convention on the Elimination of All Forms of Discrimination Against Women.

The **Voluntary Guidelines on the Responsible Governance of Tenure of Lands, Fisheries and Forest in the Context of National Food Security** (2012) represent the first international guidance on land governance and reaffirm the responsibility of states to “ensure that women and girls have equal tenure rights and access to land, fisheries and forests independent of their civil and marital status.”⁴ Further, the Voluntary Guidelines assert that states are accountable for developing and implementing relevant policies, laws and frameworks that recognise and protect women’s tenure rights through participatory processes involving all affected parties, including women.

The **Sustainable Development Goals** (2015) reflect the urgent need to strengthen tenure security for all, particularly for women and vulnerable groups. Women’s secure access to, use of and control over land is featured in four goals:

- Goal 1: to end poverty;
- Goal 2: to achieve food security;
- Goal 5: to reach gender equality and the empowerment of women;
- Goal 11: to make cities and regions inclusive, safe, resilient and sustainable.

³ United Nations General Assembly (1967). Declaration on the Elimination of Discrimination against Women.

⁴ FAO (2012). Voluntary Guidelines on the Responsible Governance of Tenure of Lands, Fisheries and Forest in the Context of National Food Security.

The **New Urban Agenda** (2016) envisages cities and human settlements that fulfil their social function and fully realise the right to adequate housing for all, without discrimination. Through Article 35, states commit to *“promoting [...] increased security of tenure for all, recognising the plurality of tenure types, and to developing fit-for-purpose and age-, gender- and environment-responsive solutions within the continuum of land and property rights, with particular attention to the security of land tenure for women as key to their empowerment, including through effective administrative systems.”*⁵

The **Pinheiro Principles on Housing and Property Restitution for Refugees and Displaced Persons** (2005) represent a steppingstone for protecting displaced women’s access to land. They are highly relevant considering that, according to UNHCR as of June 2023, there were 110 million forcibly displaced people worldwide, more than half of which were women. The Pinheiro Principles provide guidance on housing, land and property rights of women living in conflict-affected contexts and recognise the right to non-discriminatory restitution of housing, land and property for men and women as a legal remedy to displacement and an essential condition for durable solutions, including for voluntary return.

Other key documents relevant for the protection of women’s housing, land and property rights in conflict-affected contexts are the **United Nations Security Council Resolution 1325 on Women, Peace and Security** (2000), which describes the crucial role of women in contributing to the survival of families and communities, peacebuilding and peacekeeping, and the **Guidance Note of the Secretary-General on “The United Nations and Land and Conflict”** (2019), which assists in identifying opportunities to incorporate land considerations into conflict analyses, planning,

and assessments, including how to address women’s land rights in conflict settings.

International conventions

Many countries have signed and ratified international conventions through which they are bound to respect human rights, including housing, land and property rights. While signing these conventions, some countries have requested reservations or opt-out clauses regarding particular aspects of women’s rights that, even if not directly related to land, negatively impact women’s access to and control over land, housing and property. However, the relevance of these treaties remains unquestionable. National policies should build on and align with these conventions to ensure equal rights to land and property for women and men.

The **International Covenant on Civil and Political Rights (ICCPR)** and the **International Covenant on Economic, Social and Cultural Rights (ICESCR)**, both adopted by the United Nations General Assembly in 1966, reaffirm the right to equality between women and men and the right to non-discrimination, which have major implications for the protection of women’s housing, land and property rights, particularly at the time of marriage: *“The grounds for divorce and annulment should be the same for men and women, as well as decisions with regard to property distribution, alimony and the custody of children. [...] Women should also have equal inheritance rights to those of men when the dissolution of marriage is caused by the death of one of the spouses”*.⁶

The **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**, adopted by the United Nations General Assembly in 1979, calls for equal rights for men and women to property and equal treatment in land and agrarian reform. It also forbids discrimination against women’s enjoyment of their right

5 United Nations Conference on Housing and Sustainable Urban Development (2016). New Urban Agenda.

6 United Nations Human Rights Committee (2000). General Comment No. 28 on Article 3 of the International Covenant on Civil and Political Rights.

to adequate housing. Further, the Convention asserts that, within families, both spouses hold equal rights to ownership, acquisition, management, administration, enjoyment and disposition of property.

The **International Convention on the Elimination of Racial Discrimination (ICERD)**, signed by the United Nations General Assembly in 1967, affirms that the right to tenure security, no matter the tenure form (i.e. ownership, lease, and other customary forms), cannot be subject to any discrimination.

2.2.2 Regional frameworks

At the regional level, women's housing, land and property rights are protected by a number of treaties which provide entry points and a bridge between national and global initiatives. Based on international concepts, many countries have developed regional conventions and protocols adapted to their context that include provisions protecting women's rights to housing, land and property. This section offers a general overview of regional legal frameworks that protect women's housing, land and property rights; it is not intended to provide an exhaustive list.

Africa

The **African Charter on Human and People's Rights** (1986), also known as the Banjul Charter, states that *"[t]he State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions."*⁷

The **Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa** (2003), also known as the Maputo Protocol, contains

clear provisions for protecting women's rights and the participation of women in decision-making processes. It highlights the importance of increasing women's access to and control over land and other natural resources, as part of the right to food security and adequate housing: *"Women shall have the right to equal access to housing and to acceptable living conditions in a healthy environment. To ensure this right, state parties shall grant to women, whatever their marital status, access to adequate housing"*.⁸ In addition, the protocol sanctions women's right to inheritance in equal shares with other male relatives asserting that *"[a] widow/widower shall have the right to inherit each other's property. In the event of death, the surviving spouse has the right, whatever the matrimonial regime, to continue living in the matrimonial house."*⁹

The **Solemn Declaration on Gender Equality in Africa (SDGEA)**, adopted in 2004 by the African Union Assembly, calls for wider ratification of the Maputo Protocol. The SDGEA recognises the centrality of access to land for women promoting the *"implementation of legislation to guarantee women's land, property and inheritance rights including their rights to housing."*¹⁰

The **African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa** (2009), also known as the Kampala Convention, asserts the accountability of states for protecting and assisting IDPs within their borders and their obligations to prevent arbitrary displacement and ensuring the protection of the human rights of IDPs. The Convention specifically addresses the state's responsibility to equally receive IDPs without discrimination. It acknowledges that the state should provide special protection and assistance to female heads of households and mothers with children.

7 Organisation of African Unity (1986). African Charter on Human and People's Rights.

8 Organisation of African Unity (2003). Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa.

9 Ibid.

10 African Union (2004). Solemn Declaration on Gender Equality in Africa.

Muslim World

The **Universal Islamic Declaration on Human Rights** (1981) recognises the equality of women and men before the law: *“All persons are equal before the Law and are entitled to equal opportunities and protection of the Law.”*¹¹ It also recognises the right to property for all people, including women: *“Every person is entitled to own property individually or in association with others.”*¹²

The **Cairo Declaration on Human Rights in Islam**, adopted in 1990 by 45 members of the Organisation of Islamic Cooperation, reasserts many of the rights included in the Universal Declaration of Human Rights and adds the following provision on the protection of women’s housing, land and property rights: *“Everyone shall have the right to own property acquired legitimately, and shall be entitled to the rights of ownership, without prejudice to oneself, others or to society in general. Expropriation is not permissible except for the requirements of public interest and upon payment of immediate and fair compensation. Confiscation and seizure of property is prohibited except for a necessity dictated by law.”*¹³

Asia

There are no Asia-wide declarations or conventions promoting or protecting human rights. However, the Association of Southeast Asian Nations (ASEAN) adopted in 2012 the **ASEAN Human Rights Declaration** which recognises every person’s right to adequate standard of living including the right to adequate and affordable housing and a safe, clean and sustainable environment.

The **Declaration of the Advancement of Women in the ASEAN Region**, signed by the ASEAN’s member states in 1988, acknowledges the importance of empowering women to actively participate in regional and national development for the future and progress of the ASEAN region. Through the Declaration, the ASEAN’s member states commit to promote and implement equitable and effective participation of women in decision-making bodies, in all fields and at all levels, and to include the specific concerns and needs of women in national plans while enabling them to undertake their roles as active agents and beneficiaries.

In the **Declaration on the Elimination of Violence against Women in the ASEAN Region**, adopted in 2004, ASEAN’s member states commit *“[t]o take all necessary measures to eliminate all forms of discrimination against women and to empower women and strengthen their economic independence and to protect and promote the full enjoyment of all human rights and fundamental freedoms to allow women and girls to protect themselves against violence.”*¹⁴

Americas and the Caribbean

In the **Quito Consensus** adopted by the Regional Conference on Women in Latin America and the Caribbean in 2007, member states commit *“[t]o formulate and implement public policies to broaden sustainable access for women to land ownership and access to water, other natural and productive resources, [...] with particular guarantees for rural women, indigenous women and Afro-descendent women in their historical territories when relevant”*.¹⁵

11 Islamic Council of Europe (1981). Islamic Declaration on Human rights.

12 Ibid.

13 Organisation of Islamic Cooperation (1990). Cairo Declaration on Human Rights in Islam.

14 Foreign Affairs Ministers of ASEAN (2004). Declaration on the Elimination of Violence against Women in the ASEAN Region.

15 ECLAC (2007). Quito Consensus.

In the **Brasilia Consensus** adopted by the Regional Conference on Women in Latin America and the Caribbean in 2010, member states commit “[t]o ensure women’s access to productive assets, including land and natural resources, and access to productive credit, in both urban and rural areas”¹⁶ and “[t]o ensure women’s right and access to ownership of land and housing provided under government housing programmes, with the respective title deeds, while respecting the right of indigenous.”¹⁷

In the **Santo Domingo Consensus** adopted by the Regional Conference on Women in Latin America and the Caribbean in 2013, member states agreed to “[d]raft and promote legislative initiatives for reinforcing the empowerment of women in terms of their right to ownership of land and other natural resources, as well as their participation on an equal basis in managing these resources concerning decision-making, access to and control of capital, access to good-quality services and producer goods, technology, markets and market information, inheritance and capital assets”.¹⁸

In 2011, the Inter-American Commission on Human Rights published the report **The Work, Education and Resources of Women: The Road to Equality in Guaranteeing Economic, Social and Cultural Rights** which sets out various priority measures that states should undertake to ensure women’s equal access to and control over economic and financial resources, including land, property and housing. Such efforts include adopting legislative measures and enabling women to have full access to and control over their economic resources; reviewing discriminatory laws and

policies that might limit women’s access to and control over financial resources – regardless of their marital status; enabling women to report violations of their right of access to and control over economic resources by guaranteeing them access to adequate and effective judicial remedies.

Europe

The **European Convention for the Protection of Human Rights**, adopted by the Council of Europe in 1950, defends civil and political rights - including the right of non-discrimination and protection of property - and envisages the European Court of Human Rights as an implementation mechanism for reporting and resolving violations. In addition to inter-state complaints, when national remedies have been exhausted, the court may receive claims from any person, non-governmental organisation or group of individuals, or victim of a violation.

The **Recommendation of the Commissioner for Human Rights of the Council of Europe on the Implementation of the Right to Housing** of 2009 states that “equal access to credit and finance, equal rights in respect of inheritance of land and property and the elimination of gender-biased customs and traditions that hinder women’s enjoyment of housing rights are critical issues. Laws and policies must be articulated and implemented in ways that recognise the specific constraints and vulnerabilities of women in relation to the right to housing.”¹⁹ The Recommendation also calls upon States to “ensure that domestic violence laws include provisions to protect women’s right to housing, including the right to privacy and security.”²⁰

16 ECLAC (2010). Brasilia Consensus.

17 Ibid.

18 ECLAC (2013). Santo Domingo Consensus.

19 CommDH (2009). Recommendation of the Commissioner for Human Rights on the Implementation on the Right to Housing.

20 Ibid.

The **European Social Charter** of 1965 protects the right to housing and provides a reporting mechanism and a collective complaints procedure to allow a wide range of stakeholders to submit claims regarding unsatisfactory charter applications.

The **Charter of Fundamental Rights of the European Union** of 2000 affirms that *“everyone has the right to own, use, dispose of and bequeath his or her lawfully acquired possessions. No one may be deprived of his or her possessions, except in the public interest and in the cases and under the conditions provided for by law, subject to fair compensation being paid in good time for their loss.”*²¹

2.2.3 Statutory law

*“Equality has two different sides: equality in law and equality in fact. Many laws recognise that men and women are equal before the law. However, in practice, men and women rarely experience this equality. This is particularly evident in housing, land and property.”*²²

Federal and national constitutions, policies, laws and regulations are crucial in protecting and ensuring women’s rights to housing, land and property. State institutions and laws should never be undermined. On the contrary, they are the main avenue through which increased access to housing, land and property for women and other vulnerable groups should be pursued. Aligning statutory laws with international human rights frameworks is crucial for achieving equality in accessing, using, controlling, acquiring and transferring housing, land and property.

Although it is not possible to find a set of conditions applicable to or present in every state due to different histories and contexts, similarities can be found among

countries in the same region or where the same religion prevails. At the level of national laws, women’s housing, land and property rights are generally regulated by land and property-related laws and by personal and family laws, such as marriage, divorce and inheritance laws. Countries often apply different personal laws to members of different religions. Statutory law generally does not discriminate against women, and it is often more progressive than customary or religious law concerning land-related provisions. However, it might fail to prohibit discriminations on the base of gender, religion, belonging to minority groups, etc.

Discriminatory patterns can be identified in countries with similar geographical and cultural socio-economic contexts. In Muslim-majority countries, for example, Islamic provisions highly influence (statutory) inheritance laws limiting women’s shares of inheritance in favour of men’s shares. Another common discrimination pattern exists in statutory prohibitions for stateless women and men who do not hold the nationality of a recognised state to acquire the right of property, such as in the case of the Palestinian refugees in Lebanon.²³

2.2.4 Customary law

Customary law refers to an established system of indigenous people and local communities’ cultural norms, practices and customs. Customary laws vary significantly across countries and even communities within the same country. Under **customary land law**, people as individuals or jointly as groups can hold the rights to own, use, sell or travel across a parcel of land. Land is usually administered by clan, tribe or community leaders in the interests of all clan, tribe or community members. In customary law, the concept of ownership – and related rights and obligations – generally differs from the statutory land administration system.

21 European Union (2000). Charter of Fundamental Rights of the European Union.

22 Office of the UN High Commissioner for Human Rights (2012). Women and the Right to Adequate Housing.

23 Presidential Decree N. 11614 of 1969 as amended by Law n. 296 of 2001.

Opportunities for advancing and protecting women's housing, land and property rights within the customary framework must be carefully assessed according to the specific social context. Advancing women's land rights and changing the discriminatory land administration and customary justice mechanisms may require multiple processes, capacity development and collaborative work with customary authorities. Nevertheless, women's groups need support in advocating for gender equality within customary systems. Additional efforts should be made in advancing traditional leaders' capacity to adopt gender-responsive practices and promote women's participation in structures and processes responsible for interpreting customary law.

2.2.5 Islamic law

An overview of Islamic law has been included in the guide due to the strong influence that it exercises over the statutory and customary laws of all Muslim-majority countries. The land-related provisions of Islamic law are highly developed, and they generally recognise and protect women's housing, land and property rights. Therefore, Islamic law provides a viable entry point for advocating and advancing Muslim women's housing, land and property rights through inheritance and marriage.

The Shari'a or Islamic law is a "man-made code of religious laws based on a hierarchy of sources of law, of which the Quran and the Sunna are, in this order, the most important ones."²⁴ There are numerous sources of law or "law-producing mediums" in Islam, including differences in interpretation according to the different schools of Islamic law. Similarly, there is no unique field of Islamic land law, although similar features can be identified across Muslim communities worldwide.

In **Islamic land law**, the Earth belongs to God. The land rights enjoyed and exercised by people and states

are linked to the sole use they make of the land. Islamic land law protects a broad range of housing, land and property rights – the right to acquire, hold, use, administer, inherit and sell property and land – where both men and women enjoy autonomous legal identities and separate property rights. Islamic land law recognises four main forms of land tenure:

1. *Mulk*: full ownership;
2. *Miri*: state's land, under which individuals can enjoy a range of access and usufruct rights;
3. *Waqf*: endowed land, permanently allocated to charitable use for specific beneficiaries, or use, or destined to general or family welfare; and
4. *Mawat*: unused or dead land that can be turned into private land through reclamation.

Other types of land tenure include *metruke*, common land, *musha*, communal land, and collective ownership.

Under Islamic law, women can access all the above-mentioned types of land tenure, while inheritance-related limitations apply to *mulk* land only. Women have no restrictions on purchasing land through their finances or receiving housing, land and property as gifts or as *mahr* (dower). At the time of marriage, women retain individual property rights and control over pre-marital property and finances, and they can hold titles individually and jointly. In the case of inheritance, women can acquire land in their name, although women's inheritance shares are generally half that of men. Further, women can enjoy secondary rights to land, such as land use rights or benefit from *waqf* (endowed land). Some of the challenges and opportunities for advancing and protecting women's land and property rights under the Islamic framework are explored in Module 3.

24 UN-Habitat/GLTN (2018). Women and Land in the Muslim World: Pathways to Increase Access to Land for the Realization of Development, Peace and Human Rights..

2.3 HOW TO WORK WITH MULTIPLE LEGAL SYSTEMS

The expression “legal pluralism” refers to the coexistence in the same territory of *“a range of customary, statutory, [religious] and hybrid institutions [...] and regulations with legal or practical authority over land.”*²⁵ The relationship among statutory, customary and religious laws usually depends on the level of recognition and domestication of traditional and religious laws and practices in the formal legal system. This can range from full or partial recognition to non-recognition of religious and customary laws.

Customary and religious laws offer various entry points for protecting the housing, land and property rights of women, but they often lack clarity and alignment with other provisions, thus resulting in overlapping rules and practices that penalise women. Harmonising, reconciling and aligning the provisions of the different legal systems and clarifying how they interact with each other is crucial to avoid “forum shopping” and jurisdictional confusion. Guidance on intervening in legally pluralistic contexts is provided below.

Level of uptake of the different sources of law

To design and implement successful interventions, it is first necessary to understand the risks and opportunities of engaging with the different legal systems in a given context. In countries with strong rules of law, where institutions function well and there is general peace and security, statutory law usually represents the best entry point for protecting women’s housing, land and property rights. Statutory laws are, indeed, usually more gender-responsive, progressive and aligned with international frameworks. However, in fragile contexts where national laws and institutions are weak, they might not represent the most viable option. It is, therefore, necessary to assess the level and pattern of penetration of the different legal systems to fully

understand the impact that a legal system can have in a specific area of the country compared to another, and the level of knowledge and acceptance from local communities – and especially women – who might be more or less comfortable in accessing one system rather than another.

Acceptance and enforcement

Laws alone are not sufficient to secure women’s housing, land and property rights. The effectiveness of laws depends on multiple factors:

- Awareness of the laws – through increased and accessible legal literacy;
- Ability to invoke them – through access to gender-responsive dispute-resolution mechanisms and legal support;
- Capacity of the state to enforce them – without any form of discrimination.

Only when a set of laws and rules is well known and understood is it perceived as legitimate, and its level of enforcement high. Assessing the knowledge and acceptance of laws and regulations is crucial in identifying the most viable option for successfully promoting and protecting women’s housing, land and property rights. For example, whether it is more convenient to advance women’s land rights through customary or statutory laws depends on the level of enforcement, the capacity of formal institutions and the acceptance of customary and religious laws.

Scale, timeframe and cost

To identify the most appropriate entry point(s) for engaging with a plural legal system, it is necessary to assess the scale and ambition of the intervention, the timeframe and the available resources. In case of an urgent and geographically circumscribed intervention (e.g. increasing access to and control over land for women belonging to a specific community where they

²⁵ NRC/UN-Habitat/UNHCR (2008). Land, Property, and Housing in Somalia.

are systematically excluded from accessing, using and controlling land), a successful intervention could result from engaging with the customary and religious law to strengthen the gender responsiveness of traditional actors and religious leaders. If the scope is to address gender discriminatory practices resulting from the enforcement of national laws and policies, the best entry point would likely be the statutory law, through the alignment of national frameworks to international legal instruments. The timeframe would be longer in this case, and the funding needed would be higher than in the first case.

Intervening organisation

When assessing and identifying the most suitable entry point(s) for engaging with a plural legal system, it is also important to consider the nature of the intervening organisation(s). For example, a local civil society organisation working in a specific rural area might more successfully engage with the customary land administrators than an international organisation with limited local knowledge. On the other hand, an international organisation may be better suited to deal with countrywide approaches and governments. Both kinds of organisations are necessary for advancing women's housing, land and property rights as they are effective in their own way: the first in terms of time responsiveness and impact on the community, the second in terms of long-term sustainability. The two organisations should then work together through coordinated efforts and a common action plan to achieve short-, medium- and long-term results.

Coordinating initiatives at the country level

Programs and processes with implications for housing, land and property rights – including policy reforms, local projects and capacity development – often overlap, especially when carried out at different levels. Coordination and support among stakeholders working on promoting and protecting women's land rights are crucial for the success of all interventions, as longer-term and larger-scale processes should build on short-term initiatives and humanitarian interventions.

Short-term and local interventions can also benefit from the continuity that broader long-term initiatives provide. Similarly, the implementation of development and humanitarian interventions – with land-related components – should be planned in tandem, even if the various components have different timeframes, strategies and partners for the implementation.

Clarifying the interface between the different legal systems

In every legally pluralistic context, the different legal systems need to be harmonised and aligned as much as possible, and a clear hierarchy among them needs to be identified. More clarity needs to be provided on cases where the statutory, religious and customary mechanisms can be applied and how those mechanisms interface to avoid jurisdictional confusion and “forum shopping”. Although women sometimes take advantage of general flexibility in applying different sources of law, overall, women are penalised when there is little clarity on the existing rules and norms and on their application. Uncertainty resulting from legal pluralism often favours the society's most powerful groups, such as the elites, the dominant ethnic or religious groups and the defenders of a patriarchal model of society.

Capacity development

To carry out successful interventions intended to advance and protect women's housing, land and property rights, international and national land actors need to understand the complexity of the different legal systems and the way(s) they interact with each other. For this reason, capacity development programs for land stakeholders need to include the whole spectrum of rules and norms characterising a specific country's legal pluralism. Coordination among the different national and local actors, as well as development and humanitarian stakeholders, in promoting women's housing, land and property rights needs to be strengthened to avoid spreading conflicting messages, thus complicating an already technically difficult field of work.

MODULE 3

HOW WOMEN ACCESS LAND AND PROPERTY: CHALLENGES AND OPPORTUNITIES

3.1 OBJECTIVES AND LEARNING OUTCOMES

In fragile contexts, protecting women's land and property rights is an urgent matter calling for a coordinated effort of all stakeholders to identify and promote viable tenure options – both individual or collective – that can benefit the largest number of women in the shortest time, while offering enough protection from forced eviction and other hazards. Women obtain access to, use of and control over land and property through a variety of avenues. Some fall within the statutory, formal system, others within customary, informal or religious systems. Significant variations exist among systems in terms of degree of tenure security provided, compliance with international legal frameworks, responsiveness to the needs of different categories of women, costs and ease of access. This module outlines the most common ways that women access land and property in fragile contexts and describes the characteristics, advantages and disadvantages of each system.

Objectives

The objectives of this module are to broaden the understanding of different land tenure arrangements protecting women's housing, land and property rights in fragile contexts and to provide recommendations on how to use such arrangements and provisions as entry points to increase women's land and property rights.

Learning outcomes

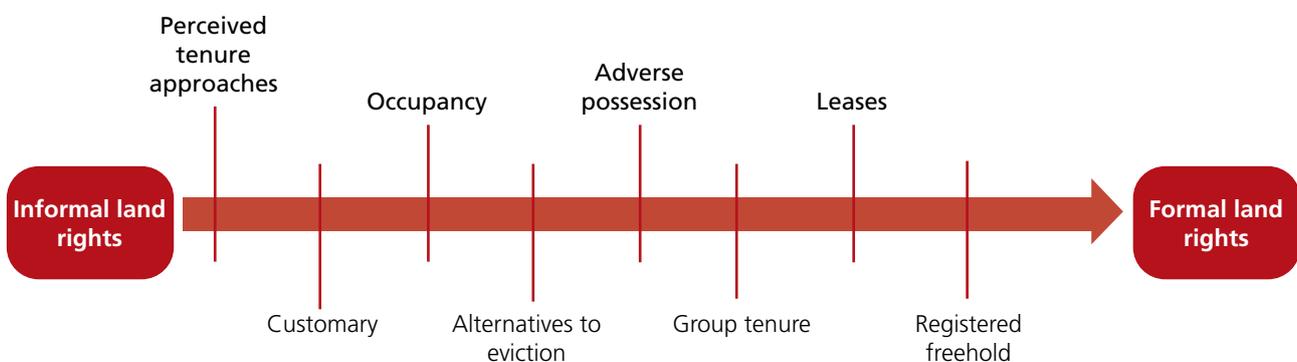
At the end of this module participants will be able to:

- Identify and discuss the advantages and disadvantages of different tenure arrangements;
- Identify fit-for-purpose tenure arrangements for securing women's access to land and property;
- Understand the importance of promoting inheritance and joint marital property as means to empower women and to rebalance gender roles inside the household.

3.2 THE CONTINUUM OF LAND RIGHTS – AN INCLUSIVE APPROACH

Women can access a broad spectrum of tenure arrangements spread along the *continuum of land rights*. Such arrangements are often described through opposing terms – legal/illegal, registered/unregistered, de jure/de facto – which contributes to the politics of exclusion. The continuum of land rights is, on the contrary, an inclusive approach that comprises all kind of rights – registered and unregistered, formal and informal, individual and joint – of all groups, including pastoralists, displaced, slum dwellers, etc., along a “continuum”. The continuum of land rights approach envisages the identification and progressive strengthening of appropriate and legitimate land tenure arrangements that already exist in a specific context.

Figure 1: Schematic representation of the continuum of land rights



Source: UN-Habitat and the Global Land Tool Network

When assessing which land rights within the spectrum should be strengthened, it is necessary to first assess and identify which rights represent the most effective, scalable and time efficient way to improve access to land for all while offering the necessary protection from eviction and other hazards. To ensure the recognition and promotion of the appropriate form of land rights, it also necessary to understand which one(s) better suit the context, the cultural and socio-economic needs of local women, the level of acceptance by local actors and the existing capacities of the local land administration authorities. Once such rights are identified, they can be progressively upgraded over time through incremental approaches, while constantly assessing and mitigating the risks posed by the selected tenure option(s).

The continuum of land rights has been adopted and is promoted by UN-Habitat and GLTN partners, and by a wide range of international land actors who may use different names for similar concepts (including FAO, the European Union, etc.).

3.3 LAND TENURE OPTIONS

Securing women's land tenure in fragile contexts is extremely challenging, as women's land and property rights are often violated not only by the parties to the conflict but also by statutory laws and customary practices. Displaced women might encounter further obstacles due to their legal status, economic constraints, language barriers, and difficulties in obtaining information on their rights and how to protect and claim them. To increase access to land and property for women in fragile contexts, it is necessary to assess and identify which tenure options are most suited for the context and can reach the greatest number of women in the shortest time – with simplified rules and limited costs – while providing protection from forced eviction and other hazards. Below is a list of avenues through which women can gain access to and control over land and property, with their respective characteristics, advantages and disadvantages.

Box 2: How to design a gender responsive HLP assessment in contexts of displacement

Displacement often leads to violations of Housing, Land, and Property (HLP) rights for individuals, with women facing additional risks and challenges even outside of displacement. Displaced women, in particular, are more vulnerable, and addressing HLP-related issues is crucial for effective humanitarian assistance, human rights protection, and finding solutions. To ensure a gender-sensitive approach, the Housing, Land and Property Area of Responsibility of the Global Protection Cluster developed a [Generic Questionnaire for Assessing Housing, Land, Property and Natural Resource Tenure Issues for Displacement-Affected Women](#). The questionnaire provides set of generic questions for designing HLP assessments, which can be integrated into broader assessments like Rapid Needs Assessments. The information collected can be used to shape programs that contribute to protecting displaced women's HLP rights in conflict, displacement and natural disaster contexts.

- Housing, Land and Property Area of Responsibility of the Global Protection Cluster (2021) [Generic Questionnaire for Assessing Housing, Land, Property and Natural Resource Tenure Issues for Displacement-Affected Women](#)

Ownership

Ownership is the most commonly understood avenue to access and control land and property, and it is generally the most secure and preferred type of tenure to which women can aspire. Women can achieve land ownership in different ways, each of which presents its own challenges and opportunities. Significant variations exist depending on local contexts (e.g. urban/rural settings, strong/weak presence of government institutions, etc.). The most common ways through which women access

ownership include purchase, gifts, dower, and joint and group ownership (outlined below).

However, a woman's ownership of a parcel of land or house does not necessarily mean that she has control over the way that property is used and administered, nor how the income generated from that land is used and managed. Therefore, land ownership alone cannot be considered a sufficient guarantee that women's access to, use of and control over land and property are achieved. Enhancing women's land ownership should nonetheless be a priority, as it is proven to increase women's enjoyment of a broad range of human rights, women's participation in decision-making processes and a positive socio-economic impact on the whole family (as outlined in Module 1).

Purchase – In many contexts, it is rare that women are able to purchase housing and land. Reasons can vary; in most cases it is the consequence of low levels of education, unemployment or underemployment, insufficient financial resources, and/or limited access to credit and microfinance – especially for women working in the informal sector or in family businesses. An additional obstacle is presented by the often male-dominated nature of the land administration sector – both formal and informal – which is also a result of women's limited access to education and training opportunities, and little confidence and capacity to claim their rights.

It is therefore necessary to promote women's access to credit and microfinance opportunities to enable them to purchase land and housing. To this end, cooperatives can play a crucial role in enhancing women's land ownership by providing accessibility to financing. Governments should promote the establishment of women's cooperatives and increase their access to funds, soft loans, rotating funds and markets.

Gifts – Women are entitled to receive and enjoy gifts offered by both men and women. Women often receive gifts by male family members for important occasions, such as at birth, marriage or the birth of

a child. Gifts usually include jewellery, clothing, cash and, less frequently, land and housing. When a woman receives land as a gift, it can be either under her full ownership or restricted to use, enjoyment of property, or usufruct; she can also be either the sole beneficiary or one of two or more beneficiaries sharing land rights over the same property. In cases where women receive a lesser inheritance share than their male relatives, such as in Muslim-majority countries, women can be gifted land and housing to complement their share. Promotion of the Islamic land law provision of gifts (*hiba*) is encouraged by the Global Land Tool Network's partners as a viable option to increase the ownership of housing, land and property by women in Muslim-majority countries.

Dower – The dower is a payment that a groom must pay to the bride at the time of marriage. Although this practice is no longer in use in most countries, the dower (*mahr*) is still widespread in Muslim-majority contexts. *Mahr* can consist of land, use rights, cattle or crops, cash or jewellery whose value is usually determined by the socioeconomic conditions of the parties to the marriage. *Mahr* is the wife's entitlement and for the wife's use only. She can dispose of it as she wishes as she is not expected to offer it to the family, though this is a widespread practice. The dower does not substitute, nor limit, women's right to joint marital property.

The use of civil documentation and written marriage certificates is crucial for enforcing women's rights through *mahr*. *Mahr* is a very important tool in the hands of women, especially in case of divorce. If the wife seeks a judicial divorce, she is likely to lose her dower amount as compensation to her husband, but if the husband requests divorce by repudiation, he must pay the full remaining dower amount, thus reducing the negative financial impact of a divorce on the woman, and providing a way for her to access land and housing for herself and her dependents. *Mahr* is often the only asset Muslim women can access at time of divorce when they cannot access joint marital property.

Box 3: Afghanistan case study

This case study illustrates how *mahr* can be used to strengthen women's independent access to housing, land and property rights in a conflict-affected context with weak state institutions.

"In rural Afghanistan, inheritance and *mahr* usually take the form of land and are therefore two key sources of women's independent access to housing, land and property rights, constituting an important avenue for the economic empowerment of Afghan women. *Mahr* constitutes an important safety net for women in a country where 76 per cent of the population has experienced displacement and hardship. In most cases, women claim their right to *mahr* when they are in a situation of particular distress, such as a separation, divorce or the death of their husband.

Although *mahr* is a legitimate right recognized by religious and statutory law, as with inheritance, women often only claim it as a last resort in situations of extreme vulnerability where there is no further damage possible to a woman's position within the family and community.

About 40 per cent of women interviewed said that cultural norms prevented them from asking for or receiving *mahr*, as it is considered to be very similar to begging, bringing shame on the husband who appears to be unable to provide for his wife. As land is often the only valuable asset, women often use *mahr* as a bargaining tool to negotiate for other important issues, such as maintaining custody of children.

The Afghanistan case shows how women's *mahr* rights can be a viable option to strengthen women's access to housing, land and property rights in the short and medium term in a context where statutory law and state institutions have limited reach and influence, especially in rural areas. Traditional dispute-resolution mechanisms can be strengthened to ensure that this option is used more consistently to protect women's rights."

Source: UN-Habitat/GLTN (2018), p. 57.

Joint and group ownership – Individual ownership is not the only form of ownership women can access. Women are entitled to own land in joint ownership or even group ownership through different arrangements. Joint marital property refers to the property acquired by a couple during the time of their marriage. It has the greatest potential to increase women's land and property rights in the short term and in many contexts (see below paragraph 3.3). The registration of land and/or housing in the name multiple family members, such as husband and wife, and even sons and daughters or brothers and sisters, can be another avenue to secure women's inheritance shares, especially in Muslim contexts, and women's access to land and housing in case of divorce. Ownership of customary land by women's groups can be a viable option to increase women's access to agricultural land.

Rights of use

In fragile contexts, collective and individual rights of use are often the most practical and quickest way to grant immediate land tenure security to displaced women. Such rights should be strengthened in the short-term and then reinforced over time, while more durable long-term solutions are being developed and implemented. To increase displaced women's (and men's) rights of use, it is necessary to remove the legal and administrative blockages that prevent or even forbid them from renting land and/or housing, and to promote the use of written tenancy and lease agreements.

Tenancy and lease agreements – Tenancy and lease agreements are a widespread type of tenure proven to be a viable option in contexts of displacement or migration. The tenure security provided by tenancy and lease agreements is greater where there is stronger rule of law and access to functioning justice mechanisms. In many countries, tenancy laws ensure that tenancy arrangements adequately protect the rights of the tenants and the interests of the landlords. Usually, tenancy and lease agreements are signed between two individuals, but contracts can be opened to more family members or even to more than one household. One of

the main challenges posed by the use of tenancy and lease agreements, as well as other tenure options, is the lack of documentation – particularly of personal identity documents. For this reason, the (re)issuing of legal civil documentation should be supported, especially in the context of displacement, to increase and formalise the use of tenancy and lease agreements.

Endowment (*waqf*) – In Muslim contexts, there is a legal mechanism called endowment (*waqf*) through which an owner (man or woman) permanently waives his or her land, housing or property, including its usufruct or income, in favour of a beneficiary for specific charitable purposes (e.g. education, provision of shelter or income for people in need or vulnerable groups including women, etc.). Through a *waqf*, a person yields – in an unalienable and perpetual way – a part of his or her property, mobile or immobile, to one or more persons (private *waqf*) or for the public benefit (charitable *waqf*) as beneficiaries.

3.4 PROTECTING WOMEN'S ACCESS TO LAND THROUGH ISLAMIC LAND LAW

In Muslim-majority countries, a conservative interpretation of Islamic law often limits women's rights to land and property, though this interpretation is widely regarded as incorrect. For this reason, in Muslim-majority countries, any conversation regarding women's empowerment and protection of women's land and property rights should be framed and advocated through the Islamic framework. The Islamic framework poses great opportunities, and challenges at the same time. Islamic law recognises and supports women's right to acquire, hold, use, administer and dispose of property. The Qur'an is often considered the legal document that government officials and religious leaders refer to when defining women's rights at the time of marriage, divorce, and inheritance, including land and property rights.

The main challenges arising from advancing land and property rights of Muslim women include (1) women's lesser inheritance rights, or even renunciation, and (2) the misinterpretation of Islamic law provisions. The first

challenge can be addressed by combating renunciation practices and by counterbalancing women's lesser inheritance shares through other avenues provided in Islamic law, such as the use of wills, *mahr*, *waqf*, gifts, maintenance, etc. Significant efforts are needed to address the second challenge and ensure that the correct interpretation of Islamic land principles is applied to women's land rights. This includes raising awareness on Islamic law provisions that protect women's land and property rights, targeting all stakeholders involved in the process, including women and their families, and advancing the capacity of religious leaders and other key actors in enforcing non-discriminatory practices.

Box 4: How to advance women's land and property rights within the Islamic framework

The Islamic framework provides a significant opportunity for protecting women's housing, land and property rights within Muslim-majority countries. UN-Habitat and the Global Land Tool Network, with the support of their partners, have identified Islamic best practices on land and housing and translated them into actionable tools. These tools incorporate aspects of Islamic law related to land and are applicable to a range of programs covering land administration, land registration, urban planning, environmental sustainability, as well as the protection of women's housing, land and property rights. Links to these resources are listed below:

- UN-HABITAT/GLTN (2018). [Women and Land in the Muslim World: Pathways to Increase Access to Land for the Realization of Development, Peace and Human Rights](#).
- UN-Habitat/GLTN (2010). [A Training Course on Land, Property and Housing Rights in the Muslim World](#).
- UN-Habitat/GLTN, Stand for Her Land Campaign (n.d.). [Arab Region Campaign on Women and Land](#) (campaign materials available in English, French and Arabic).

3.5 THE ROLE OF MARRIAGE IN REDEFINING LAND RIGHTS

At the time of marriage, women's land and property rights are redefined. The marital contract can define what rights the spouses can acquire over each other's properties, including rights of access, use, co-own and inheritance. Depending on the applicable laws and the choices made, such rights can continue to exist after the death of the spouse. Written marital contracts that include information on the type of property regime chosen by the couple are particularly important.

Marriage has an impact on four types of properties: the personal property that belonged to the wife before the marriage, which needs to be protected; the joint marital property acquired during the marriage, including land and housing, which need to be promoted; the land and personal property obtained during marriage from a range of different sources, including inheritance, gifts, income, etc.; and finally, the land and property allocated in the case of divorce.

It is important to understand the potential that marriage offers in redefining and realigning the housing, land and property rights within a family for the maximum protection of both women's and men's land and property rights, as well as for the overall improvement of the social and economic development of the family. The two cornerstones to ensuring that marriage has a positive impact on women's access to land and property are 1) awareness raising for the families of the couple on the importance of defining land and property regimes within the family and 2) better understanding of how to define property regimes for the couple at the time of marriage.

The marital contract is one of the most useful instruments and an important opportunity for enhancing women's equality and advancing women's rights – including housing, land and property rights – at the time of marriage, through the addition of specific clauses or separate agreements regarding the couple's

preferred property regime option. The use of written marital contracts, and the inclusion of provisions on the couples' preferred property regime, should always be encouraged and, when possible, made compulsory. This is particularly relevant to protect women's land rights in contexts of conflict or displacement, where a woman may need to prove her relationship to her distant, missing or dead husband for her HLP rights to be protected.

Judges and religious registrars play a key role in ensuring that the potential of the marriage contract is adequately used to increase and protect women's land and property rights. However, women are not always able to take advantage of the opportunities the marital contract can provide, as they are not always aware of their rights and of the property regime options offered through such contract. Moreover, religious registrars often fail to fulfil their obligation to inform the parties. It is therefore urgent to develop the capacity of religious registrars and other key actors involved in the process of contracting marriage, and to raise the awareness of women and men in order to transform the marital contract into a tool to help secure women's land and property rights.

Joint marital property

Joint marital property is the property acquired by the couple during the marriage, including land and housing, that belongs to both husband and wife. This type of ownership is based on the understanding that even if one of couple contributed a greater amount of financial assets, such assets are equally valued and shared. Joint marital property does not include the individual properties owned by a spouse prior to the marriage or acquired through inheritance, income or gift during marriage.

Under the joint property regime, property acquired or owned during a marriage belongs equally or substantially to both spouses. In case of divorce, community property is equally shared between the parties, while an

“equitable distribution” calls for an evaluation of each party’s contributions before entitlements are made. Community property regimes are further differentiated into “partial” or “full”, depending on what happens to property owned by a spouse prior to the marriage and to the inheritances received during the marriage.

Joint marital property is particularly important for women as it provides a fundamental survival means, especially for widows: it contributes to women’s empowerment by increasing their participation in property management, their bargaining power during marriage and at the time of divorce, and their access to credit and other opportunities; it rebalances the roles of women and men within the family, recognising the important contribution of women to the socio-economic development of the family; and it sets the marriage on a moral foundation of equal contribution of different parties through different means, recognising both material and non-financial contributions.

The use of joint marital property at the time of marriage should always be promoted. Ideally, it should be included in the national legal and administrative frameworks and could be set as the default option when couples do not indicate their preferred property regime.

3.6 INHERITANCE

Most owned land is acquired through inheritance by both men and women, especially in rural areas. Inheritance is a key avenue for women to acquire independent ownership of land and property. Statutory laws generally define and protect women’s land rights. However, discriminatory practices are widespread, particularly in male dominated contexts and in displacement.

Displaced women face additional challenges. Their property documents might have got lost or destroyed. They might have been unable to update the cadastral records after having inherited their property. They might have lost their personal identification documents, making it difficult – if not impossible – to prove their

relationship with dead parents or husbands. Upon returning home, widows may find their late husband’s property occupied by his relatives who claim their inheritance rights. This is a cause of significant insecurity, as women in this circumstance are often deprived of both shelter and their main source of livelihood. Additionally, displaced women returning home are often not aware of legislative changes implemented through peace agreements that protect their rights to land, housing and property, and do not therefore claim their rights when they are denied.

Customary inheritance practices vary significantly across countries and it is not uncommon that customary practices exclude women from inheriting land and property. There is scope to engage with customary leaders and communities to review such gender discriminatory practices and gradually introduce approaches that protect women and girls from land tenure insecurity.

In Muslim communities, inheritance is largely regulated by statutory laws or practices inspired by Islamic law, which generally fixes a woman’s inheritance shares to half that of a man. Nevertheless, women often end up receiving even a lesser share of what they are entitled to, by being either stripped of their rights altogether or forced to renounce them. Box 5 describes how to minimise and eliminate inheritance renunciation practices.

Islamic inheritance principles narrow the use of wills, which can be used to dispose of only up to one-third of the estate. However, wills remain an important tool to promote and protect women’s housing, land and property rights. Further, it is crucial to promote a holistic approach to estate planning and the use of all the mechanisms that can complement each other in protecting women’s inheritance rights. These include the use of wills and the distribution of housing, lands and properties among children before the death of the parents.

Box 5: How to minimise inheritance renunciation practices

Denial of their rightful inheritance share is not the only reason many women cannot enjoy their inheritance rights. Women often voluntarily renounce, or are induced to renounce, to their inheritance rights to safeguard family relationships and to continue living in their family home, ensuring their physical protection. Renunciation is unfortunately a widespread practice in many Muslim-majority countries, but also exists elsewhere. Studies show that women give up their inheritance right for a variety of reasons:

- Fear of family boycott and desire to preserve the relationships with family members;
- Lack of awareness of their inheritance rights and of the laws and procedures related to inheritance partition;
- In exchange for cash or other properties;
- Lack of financial resources, and other means, for claiming their rights in a court;
- To avoid social criticism and avoid having their husbands seen in a “bad light”; and
- To keep the family's property intact.

Protecting women's inheritance rights is an area of work that requires urgent attention by governments, women's groups, civil society organisations and development partners. Some approaches have already been tested and proven to be successful in minimising the renunciation of inheritance rights by women. These include:

- Raising awareness among all stakeholders, including women and their families, on the importance of inheritance and on the existing statutory and religious inheritance laws;
- Developing the knowledge and capacity of judiciary, customary and religious leaders involved in decision-making processes regarding inheritance, women associations, and community and civil society organisations involved in the protection of women's rights;
- Providing information, practical support and financial and legal aid to women claiming their inheritance rights in formal courts, or in customary or religious dispute resolution systems;
- Regulating inheritance renunciation practices by clearly establishing requirements, timelines and procedures;
- Promoting communication and information campaigns, targeting both men and women, aimed at changing negative societal perceptions towards women claiming their inheritance rights;
- Implementing initiatives to combat renunciation practices with interventions designed to enhance women's empowerment and access to education and employment opportunities.



MODULE 4
CREATING AN ENABLING
ENVIRONMENT

4.1 OBJECTIVES AND LEARNING OUTCOMES

Laws alone are not sufficient to guarantee the protection of women's land and property rights, particularly in fragile contexts where government institutions are weak and women's access to land is largely regulated through customary and religious practices. To secure women's land tenure, it is necessary to create an enabling environment where women's land and property rights are recognised and accepted by all stakeholders, and particularly by women and their communities. This module highlights the main communication strategies, necessary to ensure women understand and are able to claim their land rights while increasing their empowerment and participation in decision making.

Objectives

This module suggests a way forward to in creating an enabling environment for women to claim and enjoy their land and property rights in fragile contexts, by enhancing women's participation in decision making, supporting women's groups, promoting legal and administrative reforms and by increasing women's access to justice and land dispute resolution mechanisms.

Learning outcomes

At the end of this module participants will be able to:

- Understand the importance and urgency of raising awareness and developing the capacity of all stakeholders involved in advancing and protecting women's land and property rights in fragile contexts;
- Promote the inclusion of women at all levels in decision-making structures, especially those related to land governance and administration, land and conflict, and peacebuilding;
- Understand women's needs and identify viable avenues for supporting women's groups;
- Identify the main steps towards achieving a gender-responsive land policy and land administration system;

- Understand the challenges that women face in accessing land dispute-resolution mechanisms and identify effective ways for improving women's access to justice;
- Compare the legitimacy of different dispute-resolution mechanisms;
- Understand the challenges and opportunities for protecting women's land rights during the restitution process.

4.2 EDUCATION AND AWARENESS RAISING

*"[...] education and training for gender equality are essential components of a land reform programme. This has to be aimed (differentially) at men as well as at women – that is, 'women' should not be seen as the problem that has to be changed, in isolation from men. Rather, it is unequal gender roles and relations and their consequences that have to be addressed in an ongoing fashion at a local level."*²⁶

Raising awareness and educating people on the status of women's land and property rights under international and national frameworks is essential to the realisation of those rights, and for the deconstruction of the patriarchal and male biased structures that prevent women from enjoying their rights. Awareness raising on women's land and property rights must target both women and men and include different contexts and categories of people (i.e. urban and rural areas, indigenous, displaced, young, elderly, single, married, etc.). If women are not aware of or do not understand their rights, it is almost impossible to enforce them. Given that women are educated through the same social norms and practices that lead women, like men, to believe they are not entitled to own and administer land, it cannot be assumed that women know their rights.

26 Cheryl Walker (1997). Cornfields, Gender and Land, in Shamim Meer (ed.) Women, Land and Authority: Perspectives From South Africa.

Awareness raising programs need to sensitise and inform communities, and particularly men, about the value of women's work and the importance of increasing women's access to land for the social and economic development, and food security, of their families and communities. Such programs should also aim to increase understanding of the importance of women's participation in decision making structures and processes, particularly in fragile contexts, as a way of contributing to peace and stability. The advocacy arguments and resources in *Box 1: Useful advocacy global and regional resources on women and land*, provided in Module 1, can be used for developing such awareness raising campaigns.

It is essential for all stakeholders to develop knowledge on the importance of protecting women's inheritance rights and on the role of marriage – through the use of the marital contract and of joint marital property regimes – in protecting women's land and property rights and increasing their access to land and property. The simultaneous education of men and women is crucial to the achievement of change in social behaviours and will result in greater inclusion of women in decision-making structures. Education must also focus on the use or development of enforcement mechanisms because rights alone are not sufficient to ensure their enforcement.

4.3 INCREASING WOMEN'S PARTICIPATION INTO DECISION-MAKING

Women's participation in decision-making bodies dealing with land governance, land administration, land and conflict-related processes and peacebuilding is often limited. Local organisations, including elected ones, generally consist of men, and decisions are therefore made based on men's discussion of local issues, without taking in consideration women's needs. Women often add little, if any, input into discussions even where collective forms of tenure are meant to include and protect women's land and property rights.

This democratic deficit is a consequence of the generally inferior social status afforded to women, limited access

to education and training opportunities, as well as limited or lack of representation in the political sector. This deficit is found both in urban and rural contexts, and while it needs to be addressed everywhere, the need is even more urgent in fragile contexts where women's participation in decision-making bodies is necessary both to ensure that women's needs are met and their land and property rights protected, and to increase the likelihood that peace agreements are implemented and that sustainable peace is achieved.

Successful constitution, policy and law reform processes benefit from the participation of different types of stakeholders, including women and women's groups, at all steps of the process. Although some affirm that the inclusion of gender quotas in land-related decision-making structures and processes may lead to nominal representation rather than meaningful contributions, women's employment in land governance and administration structures should always be supported. Empowerment is a slow, incremental process and gender quotas allow women to gain confidence and provide valuable inputs to decision-making inside and outside the household. Building gender-equitable participation into policymaking is a long-term process that require political will, the involvement and training of different groups of stakeholders, including women, and interventions at different levels.

Women need to take part in all levels of decision-making bodies for conflict prevention, management and resolution, post-conflict restitution and reconstruction, and for the protection the HLP rights of refugees, returnees and displaced people. Women's participation in peace negotiations and land conflicts resolution mechanisms should also be increased to ensure women's grievances and needs are addressed during negotiations processes and included in peace agreements. The importance of women's active participation and leadership in peace negotiations and mediation processes – and their contribution to sustainable peace – has been highlighted in UN Security Council Resolution 1325.

Box 6: Women in post-conflict settlement planning

Settlement planning is an effective tool for promoting equality and increasing women's empowerment and participation in decision-making processes. Building an equal society after a conflict is crucial for mitigating against future conflicts and helps to facilitate peace as well as provide economic growth. All groups of people, including women and men with various socio-demographic backgrounds, should be involved in decision-making for post-conflict settlement planning. Post-conflict settlement planning should be strategic as well as action- and implementation-oriented and aim at a significant level of re-planning rather than simply rebuilding the settlements exactly as they were before, in order to make the living environment more suitable and safer for both genders.

- UN-Habitat/GLTN (2010) [Improving gender equality and grassroots participation through good land governance. A training package.](#)
- UNCHS (1999). [Women's Rights to Land, Housing and Property in Post-conflict Situations and During Reconstruction: A Global Overview](#)

The peacebuilding phase (including both formal and informal peace negotiations) represents a key window of opportunity to increase women's political participation in land-related reform processes. Experience shows that women have consistently prioritised land and natural resources issues as key factors for peacebuilding and recovery when they have been involved in peace negotiations.²⁷ Unfortunately, low levels of formal education, common among women in conflict-affected states, significantly limits women's participation in the land management sector as it limits comprehension of policy developments.

To build equal participation into land-related decision-making processes it is necessary to first understand the context, particularly cultural and social norms, patterns of land use and landholding and the characteristics of the legal system. After carrying out a context analysis, it is necessary to raise awareness on the benefits of a gender-equitable process and on the provisions that protect women's land and property rights so that women are able to claim them, while also increasing their confidence in the participation in the political process.

4.4 SUPPORTING WOMEN'S ORGANISATIONS

Women's organisations are essential to women's empowerment and participation in decision-making processes. They provide a safe environment for women to talk, organise, strategise, build self-confidence, and seek the support of other women sharing similar experiences and concerns. Women's groups work towards the achievement and enjoyment of their human rights by advocating for gender equality within customary systems and mobilising women to advocate for change at all levels. Women's groups provide information, practical support and guidance to women on how to access land and housing, and provide other forms of support to help women claim their land rights. This includes contributing to changing the societal attitudes towards women's land and inheritance rights and advocating for gender-sensitive practices, gender justice and representation of women in land-related decision-making structures and processes. It is therefore crucial to ensure that women's groups take part in all stages of land-related processes, including peacebuilding and mediation, and that their contributions are taken into account.

In conflict-affected contexts and during reconstruction, women's organisations are necessary to ensure that women's housing, land and property rights are firmly placed in the political agenda, codified in legislation

²⁷ UN Women (2010) Women's Participation in Peace Negotiations: Connections Between Presence and Influence.

and later translated into realities on the ground. Supporting women's organisations in post conflict contexts can, however, be challenging. Women who organise, created association and work together in displacement or refugee camps often separate after returning to their respective homes and lands. Once returning to their "normal" lives, time and opportunity to meet and discuss with other women are drastically reduced due to the resumption of their domestic responsibilities. For women's organisations to continue existing and advocating for change, they need to be strengthened through skills training, partnership with outside networks and by providing women with support for their domestic work. In addition, men must be encouraged to undertake more household responsibilities in order to leave women the time and opportunity to participate in these organisations.

Women's organisations can significantly benefit from collaboration with the international community. International networks can promote solidarity and provide practical support through coordinated global action, advocacy, sensitisation and lobbying on issues related to women's land and property rights. International networks have the power to translate local issues into global ones, placing them on the international human rights agenda to increase mobilisation and put pressure on governments. By working with international networks, local women's organisations can build on the experience of similar organisations in other countries to increase their knowledge and understanding of specific issues and successful approaches.

Box 7: Useful tools and resources to increase women's groups participation in decision-making

- UN-Habitat/GLTN (2010). [A Training Package: Improving Gender Equality and Grassroots Participation through Good Land Governance](#).
- NRC (2020). [Community Coordination Toolbox: Guide to Creating a Women's Coordination Network](#)

4.5 PROMOTING LEGAL AND ADMINISTRATIVE REFORMS

With a long-term perspective towards durable conflict prevention and recovery, gender-discriminatory laws and practices should be reviewed to explicitly recognise and protect women's land and property rights. Gender-sensitive legislation is a crucial component to guaranteeing women's rights to land. For this reason, national constitutions, policies and laws should be developed and reformed, accompanied by accessible and gender-sensitive enforcement mechanisms (see paragraph 4.5.).

Beyond accessible and gender-sensitive enforcement mechanisms, for a new legislation to be effectively implemented monitoring mechanisms should be developed and implemented (see Module 5). Legislation should be accompanied by changes in attitude and custom through awareness raising and sensitisation campaigns, and the new laws protecting women's land and property should be introduced incrementally through the continuum of land rights framework (see paragraph 3.1). Gender-sensitive land tools can provide practical support to such implementation.

Land administration systems should be reformed to be more gender-responsive (i.e. less bureaucratic, faster, cheaper, etc.). This should include removing all practical and logistical barriers that prevent women from accessing land administration services (e.g. travel, office hours, etc.) and establishing decentralised land administration offices, mobile services and other services for women.

Gender-sensitive land tools

Land tools are used as a means to implement legislation, policy or principles. They ensure the knowledge, skill and ability to practically deliver results. A broad range of interconnected gender-responsive land tools are needed to protect women's tenure security at different levels. All stakeholders involved in advancing women's land and property rights need to be involved in gendering land tools through a woman-centred

process. To protect women's land and property rights, it is important to gender spatial information, land use, planning, registration, administration, management and dispute resolution. Tools linking land registries to civil registries, and tools on gender-accessible dispute-resolution mechanisms, must correlate to tools on gender sensitive administration in order to be effective.

Box 8: Gendering land tools

GLTN developed a mechanism to ensure and facilitate the development of gender-responsive land tools that promote equal tenure security for women and men. The mechanism emphasises the implementation of a multi-stakeholder approach and a systemic multi-stage methodology by focusing on scalable tools and recognising the importance of men's contributions to the process.

Furthermore, the mechanism provides a structure for guiding preparations and establishing strategies for the development of gender-responsive land tools through a four-part process. The first part outlines the rationale and stresses the need for gender-responsive tools. The second part presents methodologies for developing gender-responsive tools by summarising the main components and steps of the tool-building process and explaining why they are necessary. The third part presents the implementation strategies of the mechanism by identifying general and specific objectives for each stage of tool development, which are further broken down at the output and activity levels. The fourth part focuses on the approach and highlights the importance of following a process incorporating shared learning, rather than a fixed approach.

- UN-Habitat/GLTN (2008). [Gendering Land Tools: Achieving Secure Tenure for Women and Men](#).

4.6 INCREASING WOMEN'S ACCESS TO JUSTICE AND LAND-DISPUTE MECHANISMS

A plurality of dispute-resolution mechanisms can be identified under the statutory, customary and religious systems. Where state and judicial institutions are weak, costly, lengthy and hindered by corruption, religious and customary dispute resolution mechanisms seem to better respond to the needs of women in the short-medium term by providing more accessible, quick and affordable avenues.

Legitimacy of the mechanisms changes in accordance with the context, and each system presents its own potentialities and disadvantages. Justice mechanisms, both formal and informal, need to be oriented towards and held accountable for the protection of women's housing, land and property rights while financial, legal and technical aid need to be provided to ensure their well-functioning.

A comprehensive range of interventions are needed to support women's access to formal and informal courts. This includes the provision of accessible and affordable legal aid, legal information and counselling, legal assistance, representation and mediation and the removal of barriers that keep women from pursuing independent legal justice and representation in courts, such as the need to travel long distance. Legal accessibility needs to be enhanced by increasing literacy, simplification and promoting the popularisation and translation of legal texts into local languages. Legal procedures need to be streamlined so that they cannot be manipulated to exclude or penalise women.

In contexts of legal pluralism, hybrid systems that allow for a combined approach can enhance women's access to land-dispute mechanisms. Formal, religious and customary dispute resolution mechanisms should be harmonised and aligned, including by establishing a

hierarchy among them to clarify how the mechanisms interface with each other. This can avoid forum shopping and prevent women's rights falling into the gaps.

Another crucial step towards increasing the gender-responsiveness of formal dispute resolution mechanisms is enhancing their inclusivity and diversity, especially by increasing the representation of women working in the courts which would make more women feel more comfortable interacting with formal justice institutions. However, increasing the number of women in tribunals alone is not sufficient for enhancing women's access to justice; they need to be adequately trained and sensitised to the socio-economic and political disadvantages faced by women in different contexts.

Legitimacy and (dis)advantages of dispute-resolution systems

Formal courts apply civil rules in their procedures, which should generally better protect the land rights of women and of other vulnerable groups; however, in practice, these protections are largely ineffective for a number of reasons. First, judges and lawyers often lack training on human rights and gender issues, thus enforcing discriminatory gender practices. Second, courts are located only in the major cities and are costly to use, which make them inaccessible to many women and other vulnerable groups. Third, litigations require formal documentation which most people cannot produce. And finally, court procedures are very lengthy. For these reasons, courts are usually seen as a last resort in fragile contexts, while in most cases women seek resolution via informal mechanisms, especially for disputes related to land inheritance.

Informal dispute resolution mechanisms have proven to be resilient and have often gained community trust and support in fragile contexts. They usually have more legitimacy in rural areas where the capacity of state institutions is limited and, therefore, are more likely to be enforced by the community. Customary land dispute resolution mechanisms often use alternative dispute

resolution systems such as negotiation, mediation and arbitration to settle disputes. Generally, there is no clear written legal code to regulate such mechanisms, leaving space for different interpretations in different contexts, often penalising women. In Muslim-majority countries, Shari'a courts use Islamic law to solve disputes and are generally perceived as less corrupt and less clan biased than alternative dispute resolution systems.

"Family-friendly" dispute-resolution approaches

Customary and religious dispute-resolution mechanisms are perceived as more "family-friendly" and better suited to meet women's wish to protect their relationship with the family. Avoiding confrontation with family members is fundamental for all women's wellbeing and safety, and especially for displaced women, whose family represent their main safety net. Women often find themselves making the difficult choice between claiming their legitimate rights or preserving a peaceful coexistence with their families. Claiming their share of inheritance through formal or customary litigation processes is often a last resort, an option that women take up only in extreme circumstances.

Women's attempts to defend their housing, land and property rights in courts often result in being abandoned by their families, as it is perceived as shameful behaviour, and can lead to physical and psychological violence, even death in extreme cases. It is therefore not surprising that women do not dare to confront family and tend to look for less confrontational solutions – such as mediation or customary or religious mechanisms – rather than to formal courts. Such human behaviours should be understood and not underestimated. Instead a combination of measures to mitigate these threats should be put in place to support women on different levels: physical, psychological, social and economic.

Capacity development

All stakeholders involved in the protection of women's land rights, particularly judges, prosecutors, lawyers and religious and customary justice authorities, such as

religious and traditional leaders, should receive periodic training on how to effectively protect women's land rights and enforce gender-responsive practices in resolving land disputes within the scope of their jurisdiction. The dissemination of case studies and best practices where the law has been interpreted and enforced in favour of gender equality can be a viable option. It is also crucial to develop the capacity of women's associations and strengthen women's knowledge of their land and property rights to increase their direct engagement in claiming their rights in formal and informal courts.

4.7 PROTECTING WOMEN'S ACCESS TO LAND DURING THE RESTITUTION PROCESS

In fragile contexts, discriminatory practices with regards to women's land and property rights are often perpetrated during restitution processes, even when provisions explicitly protecting the restitution of housing, land and property for women are included peace agreements, as local customs may not be aligned with the new legislation. This represents a significant challenge as it is expected that more than half of current displaced people are represented by female headed households. Although it is important to include women's right to restitution of housing, land and property in peace settlements, it is not sufficient to guarantee that these agreements will be implemented effectively and appropriately. Nevertheless, transitional justice and peacebuilding offer a great opportunity to amend pre-existing discriminatory laws to provide equal access to and control over land for men and women. This amendment should be accompanied by

a wider gender-transformative approach to ensure the implementation of such provisions, which can be achieved through education and awareness raising (see paragraph 4.1.), increasing women's participation at all level of decision making including in customary processes (see paragraph 4.2.), supporting women's organisations (see paragraph 4.3.) and by increasing women's access to justice (see paragraph 4.5.).

Box 9: Useful tools and resources to protect the housing, land and property rights of displaced women

- UN-Habitat/GLTN, HLP Area of Responsibility of the Global Protection Cluster, NRC and UNHCR (2022). [Key Messages on Sustaining Peace through Women's Empowerment and Increased Access to Land and Property Rights in Fragile and Conflict-affected Contexts](#) (available in English and Arabic).
- UN-Habitat/GLTN, HLP Area of Responsibility of the Global Protection Cluster, SDC and SIDA (2023). [Training video on Women, Land and Peace](#) (available in English, French and Arabic).
- OHCHR, OCHA/IDD, UN-HABITAT, UNHCR, FAO, NRC and IDMC (2007). [Housing and Property Restitution for Refugees and Displaced Persons Implementing the 'Pinheiro Principles'](#).
- NRC (2021). [Consolidating Gains - Displaced Women's Housing Land and Property Rights in Africa](#).
- NRC (2014). [Life Can Change: Securing Housing, Land and Property Rights for Displaced Women](#)

MODULE 5
MONITORING AND
MEASURING PROGRESS

5.1 OBJECTIVES AND LEARNING OUTCOMES

Monitoring progress on the status of women's land tenure security is crucial to identifying the challenges faced by women in accessing and enjoying their land rights, and to informing the implementation of gender-responsive interventions to strengthen their tenure security. To monitor and track progress in land tenure security for both men and women, the Sustainable Development Goals (SDG) framework provides a set of land indicators with local application and global comparability. These SDG indicators provide a method of collecting sex-disaggregated data needed for promoting women's land rights including their participation in decision making on land reforms at the local and national levels. This module presents an elaboration of the land-related SDG indicators that can be leveraged in monitoring the status of women's land rights and provides guidance on their effective application in fragile contexts.

Objectives

This module demystifies the importance of collecting sex-disaggregated data and provides guidance to non-statistical practitioners on how to collect data on the status of women's land tenure security in fragile contexts. It provides an overview on the SDG land tenure security indicators with an emphasis on sex-disaggregation to track the status of women's land tenure rights. Further, it proposes key considerations for implementing a successful strategy to monitor women's land rights, and highlights and addresses the main challenges that may be encountered in data collection and analysis.

Learning outcomes

At the end of this module participants will:

- Understand the importance of collecting, analysing and reporting sex-disaggregated data as an evidence-base for monitoring the status of women's land tenure security and promoting their land rights;
- Understand the process of survey design to facilitate data collection on the status of women's land rights;
- Have an in-depth understanding of the SDG indicators on land tenure security that can be leveraged in monitoring women's land rights;
- Be able to identify and mitigate/overcome the main challenges that may be encountered in the data collection process.

5.2 WHY IT IS IMPORTANT TO COLLECT DATA ON WOMEN'S TENURE SECURITY

Monitoring the status and the perception of women's land tenure security is necessary to support the broader effort to protect women's land and property rights in fragile contexts. Collection and analysis of sex-disaggregated data provides an evidence-base that **informs effective advocacy strategies and raises awareness** at the local, national, regional and global levels on the status of women's land tenure security. Targeted advocacy strategies and awareness raising campaigns are crucial to persuade governments, international agencies and donors to address the challenges and remove the barriers that limit women's access to, use of and control over land. The availability of timely and reliable data on women's land rights can thus be used to inform decisions on **where to direct interventions, resources and services**, sharpening both the targeting of actions and the monitoring of outcomes.

However, by design, data collection and monitoring initiatives face limitations in the effort to produce reliable, quality and timely sex-disaggregated data on the real status of women's land rights, as well as related challenges and opportunities. National surveys, for instance, often interview only the (often male) head of the household and leave out any form of tenure that is not formally registered. Moreover, they do not take into consideration the land data component on perception of tenure security, thus failing to assess the needs of the

most vulnerable groups, including women. Most existing land data deriving from cadasters and national land registries is limited to particular geographical locations – especially urban areas – and is rarely disaggregated by sex. Relevant conclusions on the status of women’s land tenure security, particularly displaced women, can therefore only be obtained through data capturing processes that deliberately target women’s experiences, including their perception of land tenure security in a plurality of tenure regimes.

Collecting and analysing gender disaggregated data on land tenure security, land administration processes, land use patterns and other land-related dynamics guides the **formulation and implementation of gender-responsive land policies and reforms** and enables the ability to **assess the compliance of local policy with international instruments**. This is particularly urgent given that land policies and reforms that do not specifically target women’s equality in land and property rights might contribute to weakening those rights. Data gaps undermine not only the ability to channel resources and develop responsive policies, but also to **track accountability** of those responsible for advancing gender equality in land and property rights. There is also an urgent need to understand, in a systematic way, the role of women in land governance and land dispute resolution mechanisms to **increase women’s participation in decision making**.

5.3 MONITORING WOMEN’S LAND RIGHTS IN THE SUSTAINABLE DEVELOPMENT GOALS FRAMEWORK

The Sustainable Development Goals (SDGs), outlined in the 2030 Agenda for Sustainable Development (2015), acknowledge the importance of monitoring women’s land rights to contribute to, among others, poverty reduction (SDG1), gender equality (SDG5) and making cities inclusive and resilient (SDG11). The indicators

detailed below are designed to measure and monitor sex-disaggregated land tenure security.

SDG Indicator 1.4.2

Indicator 1.4.2 can be used to measure the status of women’s (and men’s) tenure rights. It targets all adults regardless sex, ethnicity, employment status, place of residence, wealth, etc., and all types of land, in both rural and urban contexts and , disaggregates by sex and type of tenure. This indicator measures the “[p]roportion of total adult population with secure tenure rights to land” through two complementary sub-indicators that proxy secure tenure rights by looking at (a) legally recognized documentation and (b) perception of rights to land as secure, by sex and by type of tenure”.

It is important that the two sub-indicators do not coincide, as collecting gender-disaggregated data on perception allows the capture of intra-household, family and community power relations that provides insight into the challenges that limit women’s enjoyment of land rights. This is particularly relevant in fragile contexts where the institutions responsible for enforcing women’s (and men’s) land rights are weak, and customary and/or religious practices, or even family members, may prevent them from enjoying their rights.

For constructing the sub-indicator (a), all relevant tenure arrangements available in the country where the monitoring is implemented (e.g. titles, leaseholds, use rights certificates, rental agreements, etc.) need to be identified and distinguished into legally recognised and not legally recognised documents. Further, adults will be classified as having legally recognised documentation “if, for at least one parcel of land, (a) they have access to the land under a tenure arrangement identified and legally recognized by the government, and (b) the document lists their name as a rights holder.”²⁸ For constructing sub-indicator (b), the perception of

28 FAO, The World Bank, and UN-Habitat. (2019). Measuring Individuals’ Rights to Land: An Integrated Approach to Data Collection for SDG Indicators 1.4.2 and 5.a.1

an individual's tenure security is based on the fear of involuntarily losing the land and the landholder's right to bequeath the land within the next five years.

SDG Indicators 5.a.1 and 5.a.2

Indicators 5.a.1 and 5.a.2 help with understanding gender inequalities in land ownership and/or control in practice and within the law.

Indicator 5.a.1 can be used to measure gender disparities in tenure rights over agricultural land.

This is particularly relevant due to the crucial role of women in increasing food security of their households and communities, and the nexus between food security and stabilisation of societies in crisis and conflict (see Module 1). Indicator 5.a.1 is composed of two sub-indicators: "(a) proportion of total agricultural population with ownership or secure rights over agricultural land, by sex; and (b) share of women among owners or rights-bearers of agricultural land, by type of tenure."²⁹

Indicator 5.a.1 refers only to the adult agricultural population, defined as: "all adult individuals living in agricultural households – i.e. households who operated land for agricultural purposes and/or raised/tended livestock in the past 12 months, regardless of the final destination of the production."³⁰

Indicator 5.a.1 relies on three proxies for recognising tenure rights:

- the possession of a legally recognised document in the name of the individual;
- the individual's right to sell; and
- the individual's right to bequeath the land.

The proxies are applicable in contexts with different levels of penetration of legally binding documents. The presence of one of the above is sufficient to define an individual as de-facto 'owner' or 'holder' of tenure rights over agricultural land.

SDG Indicator 5.a.2 focuses on the legal aspects of land tenure and **can be used to examine the extent to which a country has undertaken actual adoption of legal reforms that ensure women's rights to land**. The analysis of legal frameworks and the sex-disaggregated data collected through Indicator 5.a.2 is critical in identifying the causes of gender disparities with regard to access to and control over land, and enable policymakers to design and implement gender-responsive land policy reforms.

Six proxies can be used to track the main challenges faced by women in owning and/or controlling land:

- a) Is the joint registration of land compulsory or encouraged through economic incentives?
- b) Does the legal and policy framework require spousal consent for land transactions?
- c) Does the legal and policy framework support women's and girls' equal inheritance rights?
- d) Does the legal and policy framework provide for the allocation of financial resources to increase women's ownership and control over land?
- e) In the legal systems that recognise customary land tenure, does the law explicitly protect the land rights of women?
- f) Does the legal and policy framework mandate women's participation in land management and administration institutions?

²⁹ Ibid.

³⁰ Ibid.

SDG Indicator 11.1.1

SDG Indicator 11.1.1 can be used to measure “the proportion of urban population living in slums, informal settlements or inadequate housing.” A slum household is defined as a group of individuals living under the same roof lacking one or more of the following conditions:

1. Access to improved water source;
2. Access to improved sanitation facilities;
3. Sufficient living area;
4. Housing durability; and
5. Security of tenure.

5.4 DESIGNING AND IMPLEMENTING A STRATEGY FOR MONITORING WOMEN'S LAND RIGHTS

Collection of data can be operationalised in two ways: it can be embedded in other ongoing multi-topic household surveys, or be developed into an independent questionnaire and be administered as a stand-alone survey.

a) Incorporating questions into an existing multi-topic household survey

Depending on the type of survey and the level at which it collects data (individual/parcel level) questions framed around the SDG indicators can be added to other household data collection initiatives. In this case, the household sample must deliberately include adult women interviewees to facilitate data collection on their land tenure rights.

b) Implementing a stand-alone survey to collect women's land rights data

This is applicable when there are no other ongoing data collection initiatives. The questions framed around the SDG indicators outlined above can thus be developed into a questionnaire and administered as an independent survey. The

drawn sample must deliberately include adult women alongside men in order to collect women's experiences including their perception of land tenure security.

Prior to undertaking fieldwork operations, the data collection process is preceded by the following steps: (a) planning, (b) survey design and (c) implementation of data collection.

Planning must involve key stakeholders working on the promotion of women's land rights. Enumerators need to be trained with relevant technical knowledge on the intended data collection process including sensitivity issues they must be aware of. A pilot test of at least 20 households should precede implementation of the final survey to check the validity, reliability and comprehension of questions administered to respondents.

Data Collection and Approach

Regardless of the data collection approach used, ensuring that key steps are followed is critical to enhancing quality and reliability of data produced. It is critical to allow disaggregation of data by sex, tenure and multiple and intersecting identities of women, e.g. rural, urban, indigenous, displaced, divorced, etc. The precision and reliability of estimates is highly dependent on who and what is to be included in the sampling frame. A central element is to ensure that:

- a) The representation of the entire population is covered at the time of sampling, including marginalised and vulnerable groups (who to include).
- b) All relevant tenure types and types of land use are included in the sample (what to include).

Two approaches to the selection of respondents within sampled households are advised. The first and preferred approach is based on interviewing all adult household members (all women and all men age 18 years and over) or selecting a random sample of adults within the household. This ensures that the information

gathered through the survey will be self-reported rather than reported by proxy. The second approach consists of interviewing only one person in the sampled household, with information for the other household members reported by the proxy respondent. In this case, it is recommended to select one person at random from all adult household members. This will ensure that both women and men will have a non-zero probability to be interviewed.

Box 10: Useful tools and resources to monitor housing, land and property rights

- UN-Habitat, World Bank and FAO (2019). [Measuring Individuals' Rights to Land: an Integrated Approach to Data Collection for SDG Indicators 1.4.2 and 5.a.1](#) (Available in English and French).
- UN-Habitat/GLTN, GLII, RVO (2017). [Monitoring Tenure Security Indicator 1.4.2](#).
- UN-Habitat/GLTN, GLII, RVO (2017). [Monitoring Tenure Security, Data Collection Questionnaire Modules and Manual: Cameroon, Nigeria and Kenya](#)

Training enumerators

One of the key requirements for collecting high quality data is to ensure that the individuals who collect administrative or survey data are fully informed of the objectives, concepts, content and structure of the data collection instruments and/or technological applications to be used. To achieve this, targeted training to supervisors, field enumerators (data collectors) and data clerks is critical to ensure quality control in the generation, coding and feeding of the data in the system before analysis. A well-structured training manual should be prepared to this end for common reference. It is also essential to emphasise the need for sensitivity in dealing with respondents while administering the questions, particularly regarding cultural and religious aspects that are often differ depending on location.

Survey testing and testing of data process

Once training is completed, field supervisors and enumerators must do a field test of the data collection instruments (e.g. questionnaires, surveying applications and systems) as well as the entire data collection process on a small sample in order to check the validity and reliability of the data generated, the appropriateness of questions, and the different survey stages. A pilot survey can be conducted before the actual survey is implemented to help identify data elements that might have been missed during the design phase. The pilot survey can be administered to a purposive sample of a limited number of households using the sampling strategy that will be applied to the actual large-scale survey.

It is important that testing of the pilot survey is not limited to data collection tools, i.e. testing of the questionnaire, but also extends to testing of the full survey operation in order to determine whether problems exist and need to be addressed prior to conducting the final survey in the field. In case of data collection with laptops or hand-held devices in surveying, for instance, the pilot test should address data transmission, data storage and security, processing programmes, etc. It is important that these tests are accurately and properly conducted before the implementation of the final survey, since omitting these tests can result in serious problems that will affect the overall reliability of the entire survey process.

Survey design and data collection should involve and incorporate the voices of other stakeholders in key decision making, such as local and municipal authorities, customary and religious leaders, non-governmental organisations (NGOs), universities, grassroot organisations, and the national statistics office, with technical support from custodian agencies of SDG indicators, if needed.

Data collection

Once the survey has been designed and survey testing and training activities conducted, actual data collection needs to be fully implemented. Before data collection is collected the following items should be confirmed:

- Survey team is well trained on the survey content;
- There is clear agreement on the timeframe for completing the survey;
- Roles and responsibilities among team members are well defined;
- The supervisor of the data collection team has asked permission from the local authorities (e.g., the village chiefs) prior to implementing the survey. The supervisor should inform the village head, clarify that data collected will remain strictly confidential and explain the purpose of the survey, the way the survey will be conducted, the outcome of the survey and how results will be used;
- A list of replacement households is selected to avoid potential delays while conducting the survey;
- Enumerators are fully aware and informed on the gender dynamics and sensitivities including power relations between men and women and how to conduct themselves while in the field. This might include a need to request interviews with women separately from men to avoid situations where women fear reprisals from their husbands or relatives for having been interviewed where social and cultural norms prescribe male dominance.

Surveys that rely on proxy respondents risk collecting biased data on the status and perception of women's tenure security and on the land documents they hold.

Unfortunately, although the most preferable approach is to have parcel-level data and a self-responder approach, this may not be feasible due to time and resource constraints. Therefore, to enhance accuracy in responses and related estimates, the following considerations need to be made:

- **Use of respondent self-reporting wherever feasible to minimise biased responses.** In cases where this is not feasible, a proxy respondent approach could act as an alternative. Survey documentation should indicate which approach was used and any additional details on how it was implemented.
- **Research the necessary metadata** for a given context which will feed directly into the questionnaire before going to the field, including, at a minimum:
 - i. a comprehensive list of all tenure types applicable to the context;
 - ii. a comprehensive list of land tenure-related documents, specifying which ones the government considers as legally recognised;
 - iii. images of the documents considered legally recognised;
 - iv. a context-specific definition of alienation rights; and,
 - v. linkages between survey and administrative data, if applicable.
- **Customise the response codes for some questions**, such as traditional land area units, according to the context.
- **Promote gender match between the enumerators and the respondents.**

ANNEX 1. NOTES FOR THE FACILITATORS

Planning the training

Training needs and situations can vary, therefore, planning should anticipate and take into account variables such as length and approach of the training, experience of the facilitators, knowledge and skill level of participants regarding women's land and property

rights and training context. A good learning process includes three distinct, but equally important, steps: preparation, activity and follow up. At times, there may be overlap between the steps and looping back may be necessary. The table below summarises the good practice components of each step in a learning activity.

| Good practice components of a learning activity | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Preparation (before the training) | Activity (during the training) | Follow up (after the training) |
| <ul style="list-style-type: none"> - Clarify the purpose of the activity in terms of the specific needs to be addressed; - Identify the right entry points to addressing women's land and property rights in the specific context and negotiate utilising them; - Identify the right target group: agree on the participation criteria and get the right people in the room (this is possibly the most important preparation step of all to enable women's participation and contribution in the training); - Establish appropriate learning objectives based on the existing capacity and on the needs of women to be addressed; - Involve the participants in some form of preparation activity (e.g. reading, self-assessment, preparing contributions and case studies, etc.); - Make sure there is enough time for the design of the learning process, for adequate preparation of those who will facilitate it, and to retrieve any materials or resources needed. | <ul style="list-style-type: none"> - Use the right tools and sequence of steps to create a process that fits the needs of all participants, and be flexible to change if necessary; - Take time before starting the training to clarify expectations and objectives of both male and female participants; - If possible, include in the training experts on local gender and land issues to support the process; - Have adequate resources to face different scenarios (e.g. lack of power, VPN connection, printing machine, boards, etc.); - Facilitate rather than teach, using a mixture of methods as appropriate and make sure women's voices are heard and taken in consideration; - Ensure all participants, and particularly women, can contribute with their knowledge, experience and ideas; - Create an environment that fosters openness, honesty (especially about failures), inquiry and willingness to share. Separate male-female discussion groups may be needed; - Review progress and monitor women participation in the discussion. | <ul style="list-style-type: none"> - Ensure that follow-up activities are built into the design from the start, especially to monitor women's participation in the decision-making process; - Where possible, ensure that all participants, and especially women, return to an environment that enables them to apply what they have learned; - Never forget that the best learning can come from the challenges and failures that may occur when trying to apply new learnings approaches; - Find ways to provide participants, especially women, with active encouragement and support to deal with challenges in a way that leads to deeper learning. Like promoting the creation, or the strengthening, of women's organisations; - Make useful resources and tools available to all the participants. |

The ingredients for success include:

1. Selecting the right participants (50 per cent of whom should be women) and facilitators:
 - Curious for new, innovative ideas, insights, perspectives and approaches, and willing to grapple with complexity and advance women's land and property rights;
 - Willing to share knowledge and experiences in an open and honest way; to listen to each other and value what they hear; to follow gender-sensitive and "do no harm" approaches;
 - Willing to learn, apply, adapt, improve and learn again, especially from challenges and failure.
2. Involving multiple partners (especially experts and people involved in land administration and governance, land dispute resolution mechanisms, and gender issues);
3. Ensuring adequate preparation and context sensitive design;
4. Providing adequate and sustained follow-up to support to the participants after the training, particularly to women and women's organisations. Although this might not always be possible, it adds enormous value to the training.

Source: UN-Habitat, GLTN (2016) *Learning for Land Tool Development and Implementation – A Good Practice Guide*

Training needs assessment

Assessing the needs around women's land and property rights in a specific context is an essential step that precedes the planning of any effective training programme. A training needs assessment should focus on current and desired skills, knowledge and attitudes of the trainees, and it should use this information to determine if and how the training can be effective.

A training needs assessment must be a flexible process starting with a broad assessment that gradually becomes more specific. The process can be resumed in seven steps, some of which can be carried out in parallel:

1. Identify the context-specific root causes of gender inequality in land and property rights;
2. Identify key stakeholders;
3. Identify the desired capacity to secure women's land and property rights in the specific context;
4. Identify the current available capacity for securing women's land and property rights in the specific context;
5. Understand how to develop the current existing capacity;
6. Understand whether the training can contribute to such capacity development;
7. Identify the specific training needs.

Who can be a facilitator?

There are generally two key subject competencies required to deliver trainings and/or discussion sessions: 1) in depth knowledge of land and property rights and gender issues, and 2) good capacity development skills. These could be found in one person or more, typically in a team of facilitators (perhaps two, male and female) who complement each other's expertise.

As the training should be adapted to local settings, it is preferable to have someone who speaks the local national language, and who is familiar with the local and regional context. If the facilitator(s) do not speak the local national language, professional interpretation should be provided.

The number of facilitators required may vary depending on the number of participants to be reached. In training workshops, there is likely to be different delivery roles for the organisers, facilitators and additional resource persons. It is vital to clarify the roles and ensure harmony. Carrying out previous briefing sessions with facilitators (and resource persons) are also strongly recommended to ensure maximum benefit from their participation and their inputs.

Box 11: Capacity development

Capacity development is the integrated process through which individuals acquire and develop new skills to meet the capacity needs of a specific context. Such skills include both "hard" and "soft" skills – respectively, the technical knowledge and the social capacity to work together with other actors to achieve common objectives. Both kinds of skills are equally essential for dealing with specific challenges in a fruitful and comprehensive manner.

Possessing technical knowledge in a specific field, such as land administration or land governance, does not, by itself, suffice for a trainer or teacher to be able to transmit the knowledge to others and ensure that they develop the same capacity. This has been a drawback of the approaches used for capacity development in the past, proving that traditional approaches to transferring knowledge and "know-how" are not adequate. Therefore, it is pivotal to train individuals, teams and, more broadly, entities that, in addition to having the technical knowledge needed to deal with women's land and property rights, are also familiar with and can apply efficient learning practices for the context they work in, with particular attention to the local culture, gender norms and religious practices.

The GLTN Capacity Development Strategy is intended to guide the capacity development activities carried out by GLTN Partners and the secretariat. The focus is on removing obstacles constraining the ability of individuals, groups and institutions, including women and women's organisations, to achieve their development objectives.

Source: UN-Habitat/GLTN (2014), pp. 1–5.

Training method: a participatory approach

Choosing the appropriate training method(s) to achieve the training objectives is an important task of the facilitator. The training should be conceived as a participatory learning process in which the facilitator must ensure the active participation of all, and especially women, through different methods:

- **Discussion method** – Learning derives principally from the experiences and knowledge of the participants. It can be of three main types: directed discussion, developmental discussion and problem-solving discussion. Separate women and men discussion groups should be considered to increase women's active participation in the discussion.
- **Experiential method** – This occurs when a person engages in an activity, looks back at the activity critically, abstracts some useful insight from the analysis and puts the results to work.
- **Case study method** – A real scenario regarding the challenges faced by women in accessing land and property is presented to participants. The participants are then asked to analyse it and to provide possible solutions to increase and protect women's land and property rights.
- **Role play** – Participants are presented with a real or imaginary scenario regarding women's land and property rights (e.g. the challenges arising from women's lack of tenure security) and they are required to explore it by acting out the roles of those represented in the scenario. The roles of women and men could be inverted to allow men to better understand the challenges women face without secure land and property rights.
- **Brain storming** – This is a technique used for finding solutions by means of stimulating ideas. A small group of people, with or without conscious knowledge of the issues regarding women's land and property rights, meets (separating women and men if necessary) and contributes with any suggestion or idea that strikes them. All suggestions should be encouraged, especially from

women, while criticism is not allowed at this stage. Contributors should later be invited to explain their ideas and, subsequently, all the ideas submitted should be sifted and assessed.

A participatory approach is fundamental for a successful capacity development strategy as it allows all participants, including women, to contribute to the training by bringing to the table their own knowledge, background and expertise. Moreover, it helps link the training to the local context and to women's needs, and it allows participants to elaborate solutions for the specific challenges faced by women in accessing and enjoying their land and property rights while keeping them interested and motivated throughout the training.

Selecting participants

Generally, a minimum of 12 and a maximum of 30 participants is recommended. The selected participants should have some knowledge or interest in land governance, land administration and land dispute-resolution mechanism, and they should have different backgrounds and expertise. Their background expertise can be used by the facilitators as part of the learning process. At least 50 per cent of participants should be female.

For a positive outcome of the training, it is essential to target the right participants. Participants should, when possible, be selected through a nomination (see Annex 2) or motivation process to ensure that the best possible group of people is brought together in the room. People who attend the training and discussion sessions should be highly motivated by both a desire to learn and a mandate to improve their way of working. This stage of the process can also provide an opportunity to share information for prior reading and preparation.

Pre-training assignment

The pre-training assignment is a vital tool in a participatory learning process. Here, the organisers contact the participants prior to the workshop with specific queries or tasks (often to be used at the

workshop). The pre-training assignment encourages the participants to prepare for the training, reflect on their own roles and inputs and also to bring materials from their respective organisations to the workshop.

Pre-training assignments are useful to understand what knowledge and experience participants bring that could contribute to the success of the process, what they want to learn/take away, how they would apply the knowledge in their work, and how they can best learn. Such information can be collected through a pre-training assignment form assessing participants' profile, interest, expectations and expertise (see Annex 3). The completed pre-training assignments must be received by the facilitator before the training, so they can be analysed and fed into the training programme.

How to schedule the course

The planning process will determine the optimum duration of the training programme. The overall duration of the training will depend on the modules to be delivered, scope of the training and availability of the participants. A typical training day could begin at 9:00 a.m. and end around 3:30 p.m. The schedule must include times for breaks, lunches and culturally specific needs such as prayers, and need to consider women's specific needs such as attending to their domestic responsibilities. The schedule must allocate adequate time for each session (e.g. time for presentations, group work, discussions and plenary feedback). It is suggested that working sessions not continue for more than 90 minutes without a break to avoid exhausting participants, particularly given the technicality, complexity and intensity of the topics.

The opening session should ideally provide an overview of the context and general objectives of the course. It is an opportunity for the hosts/organisers to get to know the participants and discuss expectations and objectives of the training. An expertise matrix exercise (see Annex 4) is a good way for participants to share their areas of expertise and possible inputs.

Facilitating the modules

Each module should open with few questions, or a short icebreaker, to engage the participants. This can be followed by a short presentation by the facilitator drawing on the PowerPoint slideshows available in the training package. Where there is no access to electricity (access to electricity and other support materials need to be confirmed before the beginning of the training workshop) alternative solutions should be put in place: the PowerPoint presentation can be handed out as a printed copy to participants who should also be provided with all the equipment needed to follow the training, including sufficient sheets of paper for notes and pencils.

The facilitator should encourage group discussions and propose exercises based on a case study. The case study(s) can be suggested by the facilitator or can arise from the group discussion. The facilitator should suggest questions that derive from the case study, but that also relate to the whole module.

Following the presentation, an individual and/or group exercise or discussion (see Annex 5) can be carried out to enable participants to translate theoretical principles from presentations or readings into practical context. The participants should be encouraged to bring their own contexts into the discussions and reflect upon them. The course programme also includes an action planning session to encourage individual follow-up (see Annex 6).

Delivering presentations

The presentations carried out by the facilitator(s) should be kept short as they are intended to stimulate participants to think about their own experiences and to offer inputs for discussion. Always allow time for questions and general plenary discussion.

Facilitating groupwork

Exercises are best done in small groups; the smaller the size of the group, the more likely it is that all participants will be involved and generate a wider level of discussion.

Often, groups need more time for discussions than the time allocated so it is important to monitor their progress and give participants notice when time is up. After a discussion session, each group should be given the opportunity to make a short report which will then feed into the plenary discussion. A summary of these presentations and the discussions should be recorded and written down (e.g., by the supporting resource person) as a record of the proceedings.

Dealing with debate

In most discussions and exercises, there is no “one right” answer, but a range of possibilities with different merits. While encouraging constructive debate on relevant issues, the facilitator(s) must be able to draw a line where a very strong disagreement about fundamental values arises such as religious, cultural or other values. The facilitator should flag this and praise it, noting that debate is important but not all debates can be resolved in such a short window, or call for respect of different opinions. Most importantly, the facilitator(s) should ensure that every participant (within reason) is able to make their point and that everyone’s views are treated with respect. Facilitator(s) must allow space for all opinions, particularly for minority and women’s opinions, or conflicting interests, and apply a “do-no-harm” approach to facilitate participants’ interactions while limiting or preventing unintended negative outcomes.

Action planning

The training should conclude with a dynamic action planning activity (see Annex 6). Action planning offers the possibility for the participants to reflect and understand how they are going to use and apply their knowledge to promote and protect women’s land and property rights, and what support they would need to do so effectively. Presenting the different action plans can be a good way to conclude the training. It is a good idea for both individual and group action plans to be written up so that participants have a record they can take back to their organisations. However, reporting all action plans in the concluding plenary sessions can

be time-consuming and exhausting. To avoid this, it is good to find creative ways of reporting (e.g. using colourful posters).

Evaluation and follow up

What happens after a training is as important as the training itself. Follow-up should always be considered from the outset, starting by questioning what the participants will do with their new knowledge and skills. Training resources and additional informative material should be made available for the participants. When possible, remote coaching should be provided to anyone facing challenges in applying the new knowledge and tools.

Further, feedback from participants on the content and process of the training is necessary for improving the course content. An anonymous evaluation could be held at the end of the workshop (see Annex 7). For the daily evaluations, a short summary of the feedback can be provided by the organisers at the start of the next day. It is important that the organisers and facilitators also consider changing some aspects of the course depending on participants’ feedback and emerging issues, including gender dynamics and the participants’ attitudes towards the enforcement of women’s land and property rights. If the course includes an action planning session, it is important that the organisers explain how they intend to follow up on the actions proposed.

Useful tools

Useful tools for a successful planning and delivery of a training include:

- UN-Habitat, GLTN (2014). [The GLTN Capacity Development Strategy](#)
- UN-Habitat, GLTN (2016). [Learning for Land Tool Development and Implementation – A Good Practice Guide](#)
- UN-Habitat (2012). [Manual: Training Needs Assessment and Training Outcome Evaluation in an Urban Context](#)

ANNEX 2. PARTICIPANT NOMINATION FORM

PARTICIPANT NOMINATION FORM

< Advancing Women’s Land and Property Rights in Fragile Contexts >

Date, location (city and country)

Name of the nominating organisation:

Details of the nominated participant

Name and last name:

Title and organisation:

Sex:

Nationality:

Country of residence:

Contact:

Details of the nominator

Name and last name:

Title and organisation:

Contact:

Briefly describe how the participant is actively engaged in ongoing work on land issues

.....
.....

Briefly describe the participant’s engagement or experience with gender issues

.....
.....

Briefly describe how you think the nominee will benefit from this event

.....
.....

Briefly describe the participant’s organisational and professional linkages in the land sector

.....
.....

Date: _____

Signature of nominator: _____

Thank you for completing this nomination. Please return by [date] to [name of person] at [email]

ANNEX 3. PRE-TRAINING ASSIGNMENT

PRE-TRAINING ASSIGNMENT

< Advancing Women’s Land and Property Rights in Fragile Contexts >

Date, location (city and country)

Personal information

Name:

Position / Title:

Organisation / Department:

Years of work experience:

Years of work experience on land and/or gender issues:

Level of educational qualification achieved:

Work information

What is the theme or area of your current work?

.....
.....
.....

In your daily work, do you encounter land issues? Please describe briefly.

.....
.....
.....

In your daily work, do you encounter gender issues? Please describe briefly.

.....
.....
.....

Do you have the support of your employer to attend this training?

.....
.....
.....

In your work, do you conduct research, evaluations or assessments? Please describe briefly.

.....
.....
.....

What are the main challenges or difficulties you face in your work? Please describe briefly.

.....
.....
.....

What are the main successes or achievements of your work so far? Please describe briefly.

.....
.....
.....

Give some thought to your present knowledge, skills and experience and then complete the following self-assessment on a scale 1-5, where 1 stands for lack or very limited knowledge, skills and experience and 5 stands for strong knowledge, skills and experience.

Experience in developing gender-sensitive land policy

1 2 3 4 5

Understanding the need for advancing women's land and property rights

1 2 3 4 5

Understanding of how cultural norms influence customary and/or religious land law

1 2 3 4 5

Skills and experience in assisting women through land dispute-resolution processes

1 2 3 4 5

What do you want to learn from this training workshop? Please describe briefly.

.....
.....
.....

How would you apply this in your future work? Please describe briefly.

.....
.....
.....

Thank you for your time!

ANNEX 4. EXPERTISE MATRIX

Sample of a professional focus/ expertise matrix

This matrix can be used as an icebreaker when introducing participants to each other. The exercise usually takes 30-40 minutes, depending on the number of participants.

1. The facilitator will need a whiteboard or large sheets of paper, as well as markers, to prepare the matrix.
2. Each participant should be handed a few post-it notes.
3. The categories in the matrix should be agreed jointly with participants, but a template can already be prepared beforehand by the facilitator to get the process started.
4. Each participant is then asked to take a few moments to reflect where they best fit in, in terms of their experience.
5. Participants are then invited to come up to the whiteboard or sheet, introduce themselves in a couple of sentences and place the post-it note where it belongs in the matrix.
6. There may be participants who feel they do not fit into any category (or have a resistance) to being “boxed in” or stereotyped into one category. In this case, the facilitator can welcome them to put their sticker anywhere on the board with any description they like of themselves.
7. The organisers may wish to place the completed matrix on one of the walls in the training room so that it can be referred to, if needed, during the course. It can also be included, with a set of bios of the course participants, in the final training report.

| | Main field of work | | | | |
|-----------------------------|----------------------|---------------------|--------|---------|-------|
| | Law and human rights | Land administration | Gender | Finance | Other |
| Academia and Research | | | | | |
| NGOs and communities | | | | | |
| Private sector | | | | | |
| International organisations | | | | | |
| Government | | | | | |
| Other | | | | | |

ANNEX 5. FOCUS GROUP DISCUSSION

This questionnaire can be used as a template to design and carry out focus group discussions on land disputes. The session should last two hours, and the group should consist of around 12-15 participants to allow participants the time to fill the form and discuss their experience (depending on the context, the facilitator should evaluate if it would be beneficial to split the group into male and female participants). Together with the questionnaire the facilitator will have to collect background information on the group, particularly on:

- Socio-economic information (e.g., age, level of education, etc.);
- Livelihood characteristics (e.g., employment status);
- Clan representation.

Background information is necessary to better understand the specific needs of women and how their socio-economic environment influences land dispute dynamics to tailor fit-for-purpose solutions.

Questionnaire sample

1. Respondent information
Name and last name:
Age:
Education level:
Employment status:
2. List the main types of land disputes that family members have experienced either individually or as a group.
3. For each of the types of land conflicts mentioned above, list the following:
 - i. Triggers of the dispute (including how and if it relates to gender discriminatory practices)
 - ii. Disputed property rights
 - iii. Main actors involved in the dispute
 - iv. When the dispute was experienced
 - v. Geographic context (e.g. urban/rural context)
4. Describe your role and how were you impacted by the land dispute? (directly or indirectly; physically/mentally, loss of a property, etc.);
5. What would you say are the main impacts of the land disputes specifically on:
 - i. Women only?
 - ii. Men only?
6. What do you think women can do to prevent land disputes within the household, and at a larger community scale?
7. What do you think is the role and the importance of women's groups in preventing and resolving land disputes at the household and community level?
8. Which roles, if any, do you think women and girls play in mediating and stabilising land conflicts, promoting peacebuilding and peacekeeping?
9. Cite examples of land dispute that have been reported to the authorities, noting:
 - i. The type of land dispute
 - ii. How it relates to gender issues
 - iii. To whom the land dispute was reported
 - iv. How the dispute was resolved (e.g. through formal court, traditional leaders, etc.)
10. Who do you see as the key people who have authority and the capacity in resolving gender related land disputes that you described? Why do you think such people have a key role to play?
11. Do you think women would feel comfortable/have the possibility to approaching such authorities for land dispute resolutions?
12. What are the main barriers women face in accessing different types of land dispute resolution mechanisms?
13. Additional comments and recommendations

ANNEX 6. ACTION PLANNING

Action planning, likely to be held at the end of the course just before the final evaluation, includes both individual and group work. The session usually takes about two hours, depending on the number of groups.

The objectives of this session are to allow each participant to:

- Reflect on what has been learnt during the training;

- Think about what future steps you will undertake and how you will apply the new knowledge acquired when returning to the workplace;
- Interact with peers for possible collaborations to follow-up at the national level.

Session plan

| Time | Session activity |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10-20min | Guidance on action planning – Short introduction to action planning (i.e. why it is considered important) and to the session. |
| 10min | Individual action planning – In this sub-session participants are invited to read the material handed out during the course, and to reflect on their individual capacity and on how they can apply the knowledge and skills gained during the course once back to their work/everyday life. A handout will be provided to each participant to help trigger thoughts. |
| 60min | Group action planning – This sub-session consists of three steps: <ul style="list-style-type: none"> • Discuss and agree on 3 obstacles that prevent women from accessing land and property according to their personal context. • Develop a short description (max. 2 or 3 paragraphs) explaining what the best strategy and the most suitable tools are to overcome the obstacles identified. • Identify key stakeholders for implementing the strategy. |
| 10min per group + 10min plenary | Report back to the plenary and reflect on the process – This includes the description of the 3 obstacles identified, of the strategy and tools identified, and of the roles of the key stakeholders involved. |

Model for personal/country action plan

| | |
|------------------------------------------------|--|
| Name and organisation/professional background | |
| Idea to implement | |
| Internal context: strength and weaknesses | |
| External context: opportunities and threats | |
| Who must be involved? | |
| What resources are needed? | |
| How will you introduce this proposal? | |
| When will you initiate it? | |

ANNEX 7. FINAL EVALUATION FORM

EVALUATION QUESTIONNAIRE

< Advancing Women’s Land and Property Rights in Fragile Contexts >

Date, location (city and country)

1= strongly disagree 2= disagree 3= agree somewhat 4= agree 5= strongly agree

A. Objectives and training scheduling

- 1. I clearly understood the training objectives.
1 2 3 4 5
- 2. The stated training objectives were fully met.
1 2 3 4 5

B. Inputs and discussion

- 1. The inputs were informative and stimulated my thinking.
1 2 3 4 5
- 2. The interaction and discussions deepened my knowledge and understanding.
1 2 3 4 5
- 3. I found the training consistently stimulating, of interest and relevant to me.
1 2 3 4 5

C. Perceived impact

- 1. The knowledge and ideas gained through this training are appropriate and adequate to advance women’s land and property rights in my context.
1 2 3 4 5
- 2. Overall, I am very satisfied with this training.
1 2 3 4 5
- 3. When I return to my organisation, I will inform my colleagues and other stakeholders about the training.
1 2 3 4 5

Which aspects of the course did you find most interesting?

.....

.....

.....

.....

.....

.....

How do you intend to apply what you have learnt during the course?

Which follow-up activities would you like to see?

Other comments and suggestions:

Thank you for your inputs!

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ABOUT THIS PUBLICATION

UN-Habitat and the Global Land Tool Network developed this training guide to build awareness among land practitioners on the importance of women's housing, land and property rights in fragile contexts, helping them understand the specific challenges faced by women and the implications for their well-being and empowerment. The guide seeks to enhance practitioners' knowledge by providing foundational information on legal frameworks, policies, and best practices related to women's housing, land and property rights in such contexts, enabling them to integrate a gender-responsive approach into their work.

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