Gender and Land Administration: Issues and Responses

Victoria Stanley, Tony Lamb, and Samantha De Martino

Key Messages

- Land rights for women are important to women’s overall role in the household economy.
- In most Europe and Central Asia (ECA) countries, women have equal rights to land by law, but practice varies widely across the region.
- Improving gender outcomes in land administration is therefore related more to education and the need to change norms and habits than it is to a specific legislative problem.
- Access to gender-disaggregated data and the inclusion of gender-specific messages in public awareness campaigns, training, and education can have a significant impact.
- Simple steps to protect and promote women’s property rights are easily integrated into project activities, often at low cost.
- Finally, more research is needed on the gender impacts of access to credit and ways to improve women’s access to credit.

The Importance of Land Rights for Women

Formal rights to land for women can have an important impact on intra-household decision making and income pooling, and women’s overall role in the household economy. Formal rights to property can improve a woman’s access to credit to expand a business or invest in her land. Since land provides rural households with the basic means of subsistence and market production, increasing women’s access to land is crucial to fighting hunger and poverty. Women’s exclusion as formal owners of land and property has a direct impact on their economic well-being and their family’s health and welfare.

In most of the countries of Europe and Central Asia (ECA), inheritance and property ownership laws are similar to those of Western Europe: women are allowed to own and inherit land and property equally to men. However, while formal legislation and procedures in the ECA region are largely gender neutral, women’s access to information and legal recourse is substantially lower than that of men throughout the region.

Experience gathered from over two decades of land projects and recent analytical work in the ECA region suggest that women in many East European and Central Asian countries face barriers in access to property rights, particularly in rural areas. In cases of inheritance, the region’s laws generally state that property is to be divided equally among the heirs regardless of gender; among some groups, however, particularly in rural areas, custom and tradition require a woman to give up her inheritance in favor of brothers or other male relatives. Further, titles and deeds to land are often in the name of the head of household only, who is usually male. In many countries of the ECA region, privatization or restitution of farmland has been applied to whole families, but the male head of household is often listed formally on the title or registered deed, thereby reducing the de facto rights of other family members. Also, property that is purchased within a marriage is often recorded only in the husband’s name because it is the traditional approach.

Overall in the ECA region, the issue is not a legislative one, but is related rather to local practice, culture, and tradition, which can vary across the region from the Western Balkans to the Caucasus to Central Asia. Therefore, practical steps are required to modify attitudes, norms, and systems to facilitate women’s acquisition and full utilization of their rights.

Lessons Learned

- Improving women’s access to land and property will not happen by itself; instead, projects and governments must be proactive in educating women about their
rights and informing land agencies of their responsibilities to protect and promote women’s property rights.

- Gender-disaggregated data are needed to track the long-term impacts of such programs on women’s access to land and property, as well as to credit.
- Project activities can incorporate a focus on women’s property rights at low or no additional cost.

Actions to Move Forward

1. **Raise awareness and educate women** on their rights to land and property, and educate men on the rights of their wives, sisters, and daughters. Remind politicians and the officials at cadastre and land registries that women represent half of the population and hence the registries should cater to the demands of the potentially largest customer group.

2. To improve gender outcomes of land projects, **do more during preparation to understand women’s land issues, incorporate these issues into project design, and monitor the outcomes**. Several sources, such as the *Gender in Agriculture Sourcebook* (see table 1), provide tools and questions that can be used to inform and contribute to better project design and improve the sequencing of interventions.

3. **Systematic registration is a good opportunity to include all properties and all owners, including spouses. Address gender issues in the manual or guidelines for initial registration in such a way that the procedures and forms help to secure women’s existing rights.** Perhaps most importantly, the registration officer should make a thorough investigation of the rights of all people with possible claims to the property. In terms of the materials used to record ownership, the application form should not assume a single owner or refer to the head of the household, as experience in land titling projects has shown that there may be one or more owner(s) with rights, and that the “head of household” might not even be one of them. The form should have room for more than one name, and specifically have space for the husband and wife.

4. **Train contractors and staff involved in systematic registration on how to be inclusive**, such as by asking for both the husband and wife to be present for discussions on property rights when the staff visits the property. **Train government staff, contractors, and land market professionals (notaries, surveyors, lawyers) on how to identify all rights over land, not just ownership, and how to identify the different rights holders, which could reveal other rights holders in addition to women, such as children, absentee owners, and people with disabilities.**

5. **For greater protection of women’s property rights, provide legal assistance** (free or for a reduced charge wherever possible), with a special focus on women’s rights. In addition, include other bodies associated with the promotion or protection of women’s property rights, and engage them to promote gender initiatives during any specific land titling campaign, including by fielding a woman’s advocate who would work with the registration staff on behalf of women and also help women to deal with the process.

6. As women are often burdened with other family responsibilities (childcare, elder care) or may have difficulties visiting offices in central cities, **do more to bring the cadastre and registry services to women**. Legal literacy is also an issue, especially for older and rural women. Therefore, recognizing women’s dual roles in the workplace and the home, consider introducing extended hours for women’s applications and providing a women’s hotline.

7. **To achieve women’s economic empowerment, ensure that women have open and transparent access to land and property.** Programs focusing on entrepreneurship should be made available specifically to women. It may be necessary to establish a subsidized loan fund that is appealing to women, allows other forms of collateral, lends to collectives, and so on. In addition, if a husband and wife participate jointly in any program designed to start up or expand a microbusiness or small and medium enterprise (SME), it should be mandatory that both names appear on any titles of ownership or other documents that are created to ensure that proceeds from the business are shared. Women’s business associations should also be supported and women entrepreneurs should be encouraged to join existing cross-sector business associations.

8. During implementation, **establish user groups that include women and women’s organizations**. The ultimate desired outcome should not be just the inclusion of women and women’s organizations in user groups but the creation of women-only user groups, where the general body and executive committees are comprised only of women in order to specifically target the demands of women in the community. This should ensure that women’s voices are heard throughout the life of the project and beyond. These groups can also be used to test gender-specific messages for awareness and education campaigns and to understand new or persistent gender biases and issues. Further, women’s nongovernmental organizations (NGOs) and user groups can help monitor the implementation and impact of land projects on women and their property rights.

9. **Develop gender-specific indicators during project preparation to measure the program’s differential**
impact on men’s and women’s property rights, and regularly monitor these indicators during implementation. The World Bank’s report on “Gender Issues and Best Practices in Land Administration Projects” (table 1) makes a number of important and specific points on monitoring and evaluation of gender issues that can be followed. Proper baseline data and continuous monitoring during the life of a land administration project are essential if the project is to be judged on gender-related criteria. Further, impact assessment tools can help to determine how projects impact men and women differently and how the two need to be addressed differently within the realm of potential property rights issues and interventions.

10. Maintain the focus on protecting and promoting women’s property rights. Government officials are often desensitized to gender issues, and advocating for gender issues in these countries can be a lonely and frustrating experience. Despite the presence of specific gender equality departments and offices, many politicians and much of the public do not see gender as an important issue; rather, gender is seen as a “women’s” concern that is addressed only under pressure and in the presence of a surplus of resources. It is important to reinforce the need for a focus on women in interactions with key government officials.

Practical Applications

Several World Bank-financed land administration projects are collecting gender-disaggregated data. In Macedonia and Kyrgyzstan, gender-disaggregated data on property ownership is collected from applications submitted to the cadastre offices. In Montenegro, gender-disaggregated data is collected on participants in the spatial planning process, as well as on training participants. The projects of several other countries have even more proactive actions incorporated into their programs, for example:

Kosovo: Real Estate Cadastre Project (RECAP)

A set of practical activities to protect and promote women’s property rights have been mainstreamed in the RECAP, ranging from office renovation design and signage, through information and publicity, public outreach, training for staff and contractors, and collection of gender-disaggregated data of customers and training course participants. All activities have built on existing customer service and other project initiatives, and were therefore easily incorporated into the operations within the existing funding.

Tajikistan: Land Registration and Cadastre System for Sustainable Agriculture Project (LRCSP)

The LRCSP is carrying out gender-disaggregated monitoring of the gender of certificate shareholders and family heads of household receiving certificates, with follow-up by project management where gender inclusion seems to be a serious problem. The project has included gender-specific expectations/instructions in the terms of reference for NGOs carrying out awareness activities. Also, a recent study carried out under the project on farmer perceptions includes extensive analysis on gender as it affects both the awareness program and the actual issuance of certificates.

Bosnia and Herzegovina: Real Estate Registration Project (RERP)

The RERP will have a focus on vulnerability mapping and social monitoring activities that will be gender sensitive. All data collected in the cadastre system will be disaggregated by gender. Some of this data will be monitored over the life of the project. A baseline study for an impact evaluation that will monitor gender issues at the household level is also included under the project.

Romania: Complementing EU Support for Agricultural Restructuring Project (CESAR)

Vulnerable groups, including widows and single women, were identified before starting project activities. Roma women were identified as a special case. The project established specific responsibilities for the service contractors, including requirements to: include a communications and mediation specialist(s) on the field teams who could provide information on any social issues; involve local leaders in the public awareness campaigns; and have the contractors organize special meetings for the Roma. The contractors’ monthly reports are analyzed by the Project Unit, which works to resolve any social issues. The Project Unit involved the support of the National Agency for Roma by providing data on Roma and helping the project field teams communicate with local Roma leaders. The participation of vulnerable women in project activities was recorded. Based on the known information, 66 percent of widows and 59 percent of single women participated in the field activities. The final evaluation of the effectiveness of the measures taken is planned in the near future.

1 The systematic registration activities are ongoing, so it is too early to see the results of female land ownership; however, from two towns completed, 20–25 percent of the identified owners are single or widowed women.
Table 1. Resources for Practitioners

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<tr>
<th>Resource Description</th>
<th>Details</th>
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<tr>
<td>Gender in Agriculture (website)</td>
<td>Includes resources from multiple organizations: World Bank, Food and Agriculture Organization (FAO), International Fund for Agricultural Development (IFAD), United Nations, etc. <a href="http://www.GenderInAg.org">http://www.GenderInAg.org</a>.</td>
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<tr>
<td>“In Her Name: Gender Asset Gap Project in Ecuador, Ghana and India”</td>
<td>Project data available on the gender asset gap (land, property, household goods, financial assets) and methodology on how to better measure the gap <a href="http://genderassetgap.iimb.ernet.in">http://genderassetgap.iimb.ernet.in</a>.</td>
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