



Food and Agriculture
Organization of the
United Nations



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UNDERSTANDING LOCAL CUSTOMS TO ACHIEVE THE 2030 AGENDA

LAND AND GENDER
IN THE WESTERN BALKANS

5.a.2
INDICATOR

UNDERSTANDING LOCAL CUSTOMS TO ACHIEVE THE 2030 AGENDA

TRANSFORMING OUR WORLD: THE 2030 AGENDA FOR SUSTAINABLE DEVELOPMENT INCLUDES 17 SUSTAINABLE DEVELOPMENT GOALS AND 169 TARGETS

On 25 September 2015, the UN's 193 Member States adopted new global goals for the next 15 years at the UN Sustainable Development Summit in New York.

The 2030 Agenda has become the main reference for development policies and programmes at country level.

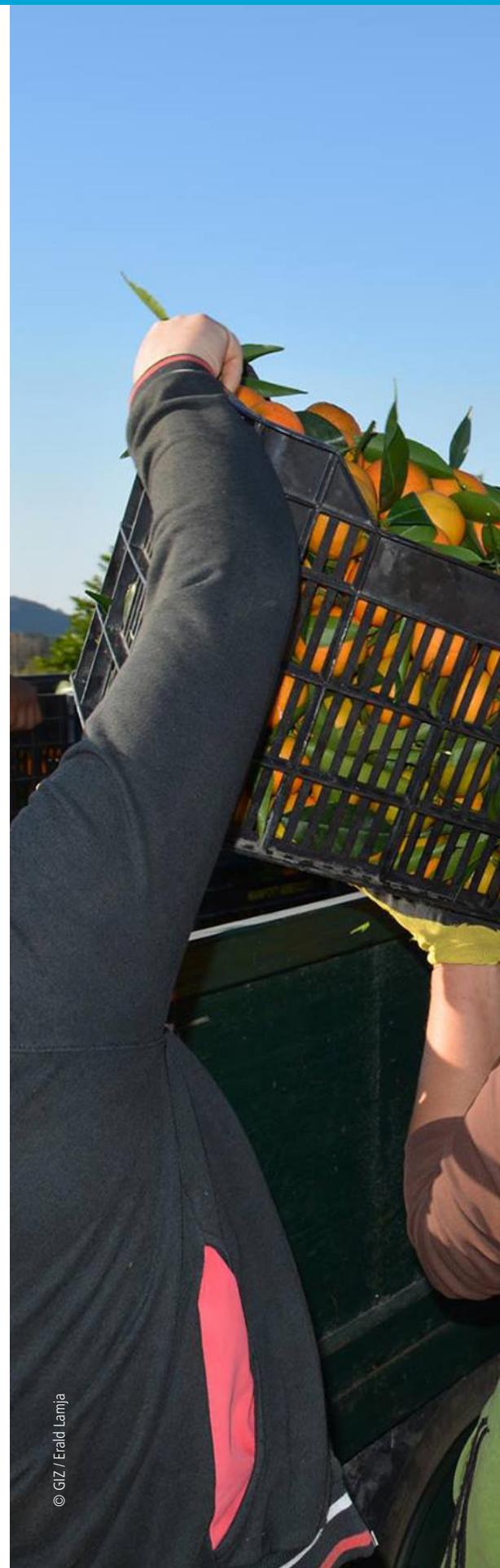


WHO WILL BE IN CHARGE OF TRACKING THE SDG INDICATORS?

Custodian agencies are responsible for taking the lead in coordinating and guiding the monitoring and reporting process on behalf of other partners and stakeholders.

Metadata: The UN Statistical Commission has published metadata reviewed/developed by custodian agencies for all of the 17 goals.

FAO IS THE CUSTODIAN AGENCY FOR 21 INDICATORS.





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TARGET 5.a

Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.

INDICATOR 5.a.2

Proportion of countries where the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control.

FAO is the custodian agency for this indicator, working in partnership with the contributing agencies and partners.

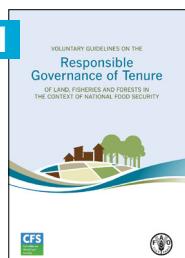
WHY HAVE AN INDICATOR ON LAND?

The inclusion of indicator 5.a.2 acknowledges that greater equality in the ownership and control over land contributes to economic efficiency and has positive multiplier effects for the achievement of a range of other SDGs including poverty reduction (Goal 1), food security (Goal 2) and the welfare of households, communities and countries (Goals 3, 11 and 16, among others).

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WHAT **TOOLS** DO WE HAVE ON GENDER-EQUITABLE LAND TENURE?

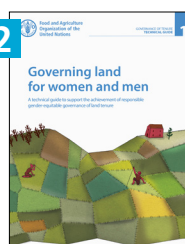
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Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security

[Albanian](#), [Arabic](#), [Chinese](#), [English](#), [French](#), [Hindi](#), [Lao](#), [Nepali](#), [Russian](#), [Sardinian](#), [Spanish](#)

2



Governing land for women and men

[Albanian](#), [Arabic](#), [English](#), [French](#), [Spanish](#)



Responsible governance of tenure and the law

[Albanian](#), [Arabic](#), [English](#), [French](#), [Spanish](#)

3



[FAO Gender and Land Rights Database](#)

SDG INDICATOR 5.a.2 METHODOLOGY

GLOBAL LEVEL

Legal experts from relevant national institutions will scan all existing national draft laws, draft instruments and legal provisions to determine the existence of six proxies considered international good practice in guaranteeing gender equality in land ownership.

The six proxies cover:

- A.** Joint registration
- B.** Spousal consent for the sale or transfer of property
- C.** Gender equality in inheritance
- D.** Budgetary commitments to support equal land rights for women

E. Protection of women's rights in customary land tenure systems

F. Women's participation in land administration and management institutions

FAO, as the custodian agency will receive the results and calculate the percentage of countries where progress is being made in legal frameworks (including customary law) guaranteeing women's equal rights to land ownership and/or control.

The methodology for the SDG reporting under indicator 5.a.2 is currently in draft form. The proxies and methodology will be submitted to the Inter-agency and Expert Group on SDG Indicators, for endorsement.





LAND AND GENDER IN THE WESTERN BALKANS

**THE LEGAL
ASSESSMENT
TOOL (LAT)
INCORPORATES
THE SIX SDG
PROXIES AND
ENCOURAGES
COUNTRIES
TO PRIORITIZE
THE LEGAL
REFORMS
NECESSARY
TO ACHIEVE
GENDER
EQUALITY**

PROPOSED REPORTING PROCESS FOR SDG INDICATOR 5.A.2

COUNTRY LEVEL

When undertaking the Indicator 5.a.2 assessment at the national level, countries are recommended to undertake the Legal Assessment Tool (LAT). The LAT, which incorporates the six SDG proxies, allows countries to comprehensively plan, prioritize and implement the legal reforms necessary to achieve gender equality both in law and in practice. The LAT offers a list of 30 legal indicators for gender-equitable land tenure. Each country is encouraged to have a participatory

process for analysing its legal provisions and to establish an action plan for the implementation of the identified reforms.

The LAT indicators measure the extent to which laws and policies on inheritance, nationality, property rights and access to justice are gender equitable and whether special measures aimed at achieving de facto equality have been brought into the legal and policy framework. For each indicator, a stage from 0-4 is allocated, depending on the extent to which it has been incorporated into the legal and policy framework.

REGIONAL LEVEL

At the regional level countries are encouraged to share the results of the SDG Indicator 5.a.2 assessment and the LAT through regional meetings and joint publications. This helps establish and maintain support for legislative amendments and other efforts to be undertaken in each country.

The SDG Indicator 5.a.2 assessment and the LAT helps countries to identify similarities and share best practices, as well as learn from each other's experiences.



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WESTERN BALKANS REGIONAL INITIATIVE

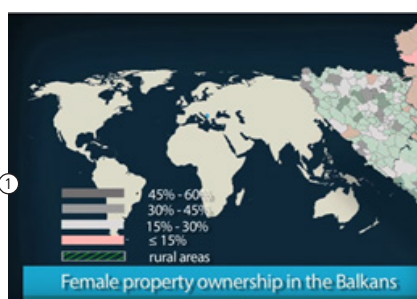
The Western Balkans regional initiative addresses the challenges faced regarding increasing women's land ownership in the Western Balkans. The countries of the Western Balkans have established multi-stakeholder gender teams consisting of land administration specialists, government policy makers, gender officers, local NGOs and notaries to support the process of improving gender equality and social inclusion in terms of property rights.

TEAMS WERE TRAINED ON:

- The Voluntary Guidelines on the Responsible Governance of Tenure
- The technical guide 'Governing Land for Women and Men'
- The 2030 Agenda
- The land related SDG indicators
- The Legal Assessment Tool

WHAT THE DATA SHOWS ①

Sex-disaggregated data was produced by each country and indicated low levels of female ownership. Governments within the region were surprised to learn that female ownership in some places was as low as 3%, and not more than 30% in most cases. The use of existing property registration data demonstrated that such information could be instrumental in promoting and advocating gender issues with policy makers.



STORIES FROM THE NOTARIES ②

Notaries within the region have identified cases where women have lost their ownership of land due to either a lack of legislation or standardized procedures by legislative bodies or due to discriminatory customs. In a large number of cases, women have renounced their property rights due to social pressure, and on occasions due to the belief that they did not have the right to own land.

IN SUPPORT OF THE 2030 AGENDA ③

SDG indicator 5.a.2 In support of the 2030 Agenda, the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ), the Food and Agriculture Organization of the United Nations (FAO), the International Union of Notaries (UINL), United Nations Economic Commission for Europe (UNECE), the World Bank and UN Women are all supporting the Western Balkans region to improve gender equality and to contribute to the testing and implementing of SDG indicator 5.a.2.

© Photo / E.Saila

© Photo / Regional Roundtable 'Gender and Land Rights, the Sustainable Development Goals (29 February 2016, Belgrade, Serbia)



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RESULTS FROM THE PILOTING OF THE SDG INDICATOR 5.a.2 METHODOLOGY IN THE WESTERN BALKANS

In June and July 2017 the proposed Indicator 5.a.2 monitoring methodology was piloted in two states in the Western Balkans, Serbia and Albania, with the objective to assess the applicability of the proxies and the suitability of the guidelines to those countries. The methodology was adopted by the United Nations without further changes.

- 0: Absence of proxy
- 1: A policy is being developed that incorporates the proxy
- 1.5: A policy is in place, incorporating the proxy
- 2: Draft legislation is to be submitted for consideration
- 3: The proxy appears in primary law
- 4: The proxy appears in secondary legislation
- N/A: The proxy is not applicable

ALBANIA	SERBIA	
●	●	A. Joint registration
●	●	B. Spousal consent for the sale or transfer of property
●	●	C. Gender equality in inheritance
●	●	D. Budgetary commitments to support equal land rights for women
●	●	E. Protection of women's rights in customary land tenure systems
●	●	F. Women's participation in land administration and management institutions

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RECOMMENDATIONS

Adopt national policies to strengthen women's access to land ownership and control over landed property.

Amend legislation on immovable property to provide financial incentives for the registration of spousal land rights (fee waivers or tax incentives).

Mandate that the real estate cadastres collect sex-disaggregated data on land owners and on other land rights holders.

National chambers of notaries to develop guidelines on notary responsibility to raise client awareness of women's tenure rights prior to land transactions.

The UINL to prepare a common ethical standard for legal professionals, in line with the Voluntary Guidelines on the Responsible Governance of Tenure.





LAND AND GENDER IN THE WESTERN BALKANS

GOOD PRACTICES FROM THE WESTERN BALKANS COUNTRIES

- **Gender disaggregated data is generated from the property registration and cadaster IT systems in all Western Balkans countries.**
- **Spousal consent is mandatory** for any transaction involving matrimonial property - spouses manage and dispose of matrimonial property jointly and consensually in Albania, the Former Yugoslav Republic of Macedonia, Montenegro and Serbia.
- **Property acquired throughout the duration of a consensual/non-marital union is considered co-ownership or joint ownership** in Bosnia and Herzegovina, Montenegro, Serbia and the Former Yugoslav Republic of Macedonia.
- **Property Registration law requires mandatory registration of both spouses as co-owners/joint owners** of the matrimonial property in Albania and Serbia.
- **Simplified procedure for ex officio joint registration of both spouses (joint ownership)**, based on the marriage certificate and on the statement of both spouses for subsequent registration of unregistered spouse for properties obtained during the marriage in Serbia as of 08/06/2018.
- **Special measures for reduction of property registration fee** by introduction of an incentive tax costing just a token fee of 3 euros, aiming to stimulate and increase women's ownership and control over land, in cases when both spouses/ partners/ are registered as co-owners of the property and for the property registration of people with disabilities - in Serbia (Law on Public Administration Taxes).
- **The surviving spouse is granted user right of the matrimonial house for life (right of life use) if the spouse is second in inheritance rank** in the Former Yugoslav Republic of Macedonia, Serbia and Montenegro.
- **Mobile registration service centers established** to improve the access to property registration services for women, the poor and vulnerable groups in Serbia.
- **Strategic Plan for the Development of Agriculture and Rural Areas that provides a financial incentive of 5% if a woman is a farm holder** adopted in Bosnia and Herzegovina - Republika Srpska.
- **Draft Notary Law in Albania is aligned with other existing laws**, to make mandatory registration of both spouses/partners as co-owner of the property possible.
- **An order of the Ministry of Justice of Albania to regulate inheritance cases and already registered property has been drafted.** As a result, already registered matrimonial properties that are only under a single name can now be amended and registered in the name of both spouses.
- **Notaries and the Agency for Real Estate Cadastre are organising open days for providing free legal and professional assistance to citizens** in the Former Yugoslav Republic of Macedonia.
- **Civil register and Property Register are interoperable**, which facilitates inheritance procedures and transfer of ownership in Albania and the Former Yugoslav Republic of Macedonia and planned in Serbia and Bosnia and Herzegovina.
- **Raising awareness** of the benefits of registering both spouses in all Western Balkans countries.
- **Discount of notary fees are foreseen when spouses conclude legal transactions on the acquisition or transfer of common matrimonial property** in Bosnia and Herzegovina - Republika Srpska.

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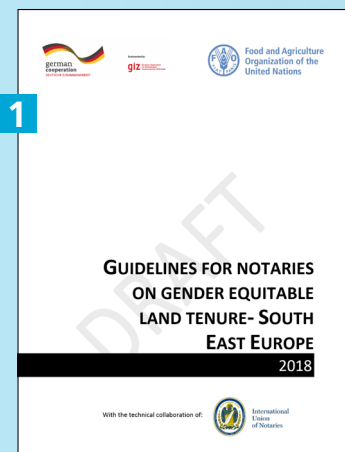


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Validation workshop
Western Balkans
Improving gender
equality towards
SDG 5.a.2

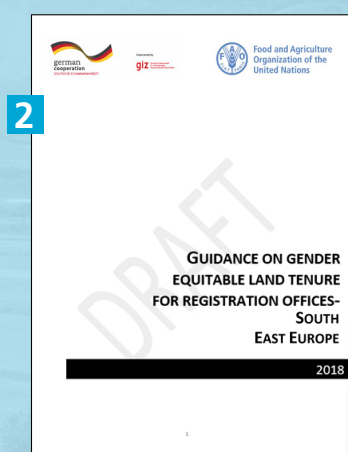
14 September
2018, Rome, Italy

COMING SOON



Guidelines for
notaries on gender
equitable land tenure
South East Europe

DRAFT



Guidance on
Gender Equitable
Land Tenure for
Registration Offices-
South East Europe

DRAFT



LAND AND GENDER IN THE WESTERN BALKANS

LOOKING FORWARD

Within the German Development Cooperation, GIZ Open Regional Fund - Legal Reform continues to support participating countries within the framework of a new regional project. The project will support the implementation of the recommendations of the LAT through technical assistance, regional exchanges and capacity development.

Legal professionals, such as lawyers and notaries, are key players in the process for achieving gender equality.



FAO and UINL signing the MoU - 8 January 2016, Rome, Italy
© FAO / Lea Plantek

The UINL is committed to playing a critical role in achieving target 5.a.2. Within the FAO-UINL Memorandum of Understanding, signed on 8 January 2016 the UINL is taking initiative to build up on the Western Balkans experience and develop Guidelines for notaries on gender equitable land tenure for a global use. This aim to enforce common standards in line with the Voluntary Guidelines on the Responsible Governance of Tenure towards achieving SDGs indicator 5.a.2.

The FAO multidisciplinary team is committed to supporting countries to monitor and assess progress under SDG indicator 5.a.2, including by supporting cross-regional cooperation and knowledge sharing between different regions.



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JOINT CALL FOR ACTION

The FAO Regional Office for Europe and Central Asia and national partners from the region are in agreement to uphold and promote women's equal access to land.

At the high-level regional conference "Promoting socially inclusive rural development in Europe and Central Asia: Action for the 2030 Agenda" in Vilnius, Lithuania (30 January – 1 February 2017), more than 60 participants representing governments, civil society and academia, agreed on a Joint Call for Action. The Call for Action commits all relevant stakeholders to support gender equality in land ownership, to effectively meet the SDGs and to ensure that no one is left behind.



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