



Food and Agriculture
Organization of the
United Nations



Voluntary Guidelines on the responsible Governance of Tenure **Governing land for Women and Men**

Aroa Santiago Bautista

Gender Mainstreaming Specialist
Regional Office for Europe and Central Asia

“The eradication of hunger and poverty, and the sustainable use of the environment, depend in large measure on how people, communities and others gain access to land, fisheries and forests”

FAO Voluntary Guidelines on the
responsible Governance of Tenure

“Land rights discrimination is a violation of human rights”

UN Economic and Social Council Commission on the Status of Women.
Report of the forty-second session (2-13 March 1998). Supplement No.
7. E/CN.6/1998/12 – E/1998/27



Food and Agriculture
Organization of the
United Nations



Convention on the Elimination of All Forms of Discrimination Against Women (ratified in 1994):

Article 14. 2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

Article 16.1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.



Food and Agriculture
Organization of the
United Nations



What is the situation of gender and land tenure in Albania?

- CEDAW
- Law of Albania on Gender Equality 2004
- National Strategy on Gender equality 2011-2015
- Alignment with EU standards
- One of the priorities in the BPfA +20 Report: *Ensuring economic empowerment of women and girls, by addressing gender inequalities that lead to poverty, and by promoting social inclusion.* This includes:
 1. Training for girls and women in the rural areas, girls and women with disabilities, and **ensuring their employment**, while taking measures that support employment of women and girls, in line with labour market demands.
 2. Increasing financial independence of women, by promoting women entrepreneurship; by increasing **and improving access to crediting**; training and vocational training of women and girls entrepreneurs; improving the legal framework for soft loans and organizing awareness raising campaigns; introduction of a special fund for promoting women entrepreneurship;



Food and Agriculture
Organization of the
United Nations



What is the situation of gender and land tenure in Albania?

FAO Country Rural Gender Assessment:

- During 1991-1994, land was distributed among all members of a society regardless the sex of the holders. However, the *de facto* distribution was done by families and not by individuals.
- The article 224 of the Civil Code and the registration process initiated in 2000 make mandatory to identify a head of the household. Land is provided to that person (usually a man) as representative of the whole household.
- The actual legal distribution of land among family members does not occur.
- This “head of the household” is who maintains legal rights and control over the land. The same pattern is repeated among farm holders, around 95 percent of which are men.
- Limited access of women to land ownership is also partially explained by patrilocal marriages. Women end up not having *de facto* access and control over land neither within their original families nor their new step-families.
- Land fragmentation is a serious challenge that especially affects small holders, both women and men, and which needs to be addressed in coordination with women’s access to land to ensure that solutions on one issue does not harm the other.



Which are the consequences?

Weak governance of tenure ***“makes already socially and economically marginalized women more vulnerable”*** (VGGT). Some consequences include (to name a few):

- Right to land is denied
- Limited access to credit (collateral)
- Land insecurity that leads to vulnerability in the event of male migration, divorce or widowhood
- Women’s limited legal access to land and farms has direct implications on women’s access to decision-making on the use of that land, access to irrigation, to extension services
- Reduced access to other benefits associated with land owners
- Access to land also means access to food production and poverty reduction
- It is critical social asset for cultural identity, political power and participation in decision making
- Evidence shows that women’s land rights reduce domestic violence and that women owners of land are more capable of exiting domestic violence¹
- Agricultural production and food security increase when women are granted tenure security²
- Rights to land increases women’s bargaining power within the household, which usually has as a result an increased allocation of resources to children and women³

¹ COHRE, (2006) ‘A Survey of Law and Practice related to women’s inheritance rights in the MENA Region’

² UNECE, UNDP, UN Women. Expert group meeting on “The impact of the implementation of the Beijing Declaration and Platform for Action on the Achievement of the Millennium Development Goals” (11-13 November, 2009, UNOGE). EGM/BPFA-MDG/2009/EP.1

³ UN Economic and Social Council Commission on the Status of Women. Report of the forty-second session (2-13 March 1998). Supplement No. 7. E/CN.6/1998/12 – E/1998/27



“States should consider the particular obstacles faced by women and girls with regard to tenure and associated tenure rights, and take measures to ensure that legal and policy frameworks provide adequate protection for women and that laws that recognized women’s tenure rights are implemented and enforced”

FAO Voluntary Guidelines on the
responsible Governance of Tenure

Governing land for women and men

- *One of the principles the Guidelines are founded on is gender equality*
- *The Guidelines place tenure rights in the context of human rights*
- *The Guidelines do not have a particular section on gender*
- *Instead, gender issues are mainstreamed and addressed throughout the guidelines*

Voluntary Guidelines on the
responsible Governance of Tenure

Governing land for women and men

Governing land for women and men: Technical guide that assists the implementation of the VGGT. Modules:

1. Policy making
2. Legal issues
3. Institutions
4. Technical issues
5. Getting the message across





Food and Agriculture
Organization of the
United Nations



Governing land for women and men

1. Policy making



Food and Agriculture
Organization of the
United Nations



Governing land for women and men

2. Legal issues





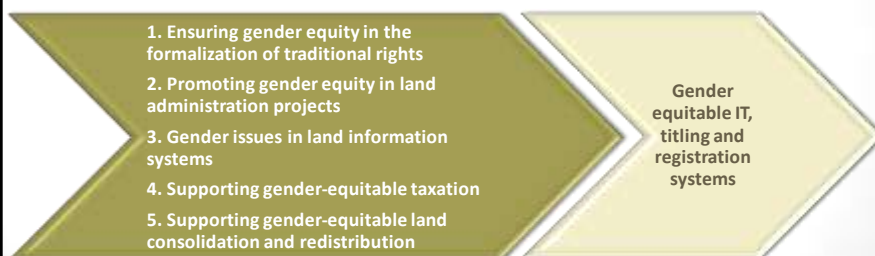
Governing land for women and men

3. Institutions



Governing land for women and men

4. Technical issues





Food and Agriculture
Organization of the
United Nations



Governing land for women and men

5. Getting the message across



Food and Agriculture
Organization of the
United Nations



Governing land for women and men in practice

Good practice from the Balkans (WB, GIZ; UNW, FAO):

1. Improvement of sex-disaggregated data on tenure
2. Working together: policy makers, staff from the ministry of justice, notaries, staff from cadastral offices, IT experts on property registration
3. Context analysis (identification of main challenges and bottlenecks limiting equal access to land).
4. Establishment of strategic measures
5. Sharing experiences





Governing land for women and men in practice

The example of Kosovo:*

As part of the World Bank-FAO project on Gender Informed and Inclusive Land Administration, the cadastral office in Kosovo presented during the workshop as main challenges for women to register land in their name the following:

- 1) Not being familiar with their rights on land;
- 2) Not feeling comfortable of talking to men on these issues, especially in closed rooms;
- 3) Not feeling comfortable of talking on these issues openly;
- 4) Men's resistance of co-registering land also in the name of their wives.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.



Governing land for women and men in practice

The example of Kosovo:*

Measures taken:

- A. According to the law, it is mandatory to register land in the name of both spouses.
- B. Fines to cadastral offices and registries who fail to do so are established, and by-laws specifying the responsible authorities for law compliance are in place ensuring effective law enforcement.
- C. Leaflets on women's access to land were distributed to all households of Kosovo
- D. Cadastral offices were adapted to make them women friendly. It included:
 - 1) the recruitment of a gender officer who is in charge of conducting gender-sensitive training for staff, ensuring effective gender mainstreaming in office activities and attending beneficiaries as the first contact point.
 - 2) Offices that gives privacy but which at the same time have glass windows were accommodated, so women may also feel comfortable discussing their concerns in a friendly environment.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.



Governing land for women and men in practice

Group discussions

1. Policy design
 1. Which may be the limitations that women may experience for accessing to land in Albania?
 2. Using checklist on page 18 of the technical guide for inspiration, which measures can be implemented for promoting women and men *de facto* equal rights on land tenure?
2. Legal issues
 1. How family and marriage traditions limit *de facto* women's equal rights to land ownership that is established in the law?
 2. Using the checklist on p. 32 of the technical guide as inspiration, which measures need to be implemented in Albania for supporting gender equity?
3. Technical issues
 1. What challenges existing registration systems may pose to women registering land on their name?
 2. Using checklist on page 73 of the technical guide as inspiration, which measures can be introduced to reduce these bottlenecks for ensuring that women enjoy *de facto* access to land registration?