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

Dorothea Stroh

Rural Development and Land Tenure
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



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Convention on the Elimination of All Forms of Discrimination Against Women (ratified in 1997):

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.



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Legal and policy framework of gender and land tenure in Kyrgyzstan

- CEDAW (ratified in 1997)
- Law “On Basis of State Guarantees for Gender Equality” (2003)
- Law “On the Social and Legal Protection Against Family Violence” (2003)
- Law “On State Guarantees of Equal Rights of Men and Women” (2008)



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Legal and policy framework of gender and land tenure in Kyrgyzstan

The National Strategy of Sustainable Development of the KR 2013-2017

- Contains a section on gender development and family policy

National Strategy for the Achievement of Gender Equality by 2020 (adopted in 2012) has the following priorities:

- Women in the economy
 - Education for girls and women
 - Access to justice and political equality
- } including rural women

The National Action Plan on Gender Equality in the Kyrgyz Republic 2015-2017 (4th)

- No entries especially on rural women

2006 amendments to the Law “On Agricultural Land Management”:

- Art. 15: a plot can be sold both in its entirety or parts of it can be sold as independent parcel
- Art. 29: provision to prevent inordinate division of land and discrimination

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

Difference between *de jure* and *de facto*

- Prevalence of customary law in rural areas over official inheritance law: land passed on to a son rather than a daughter (patrilocal marriages)
 - Women often lack control over and access to resources, i.e. land
- Where women move away on marriage, their right to a share in their parents property is in theory maintained, but in practice often lost
 - Women who are not then registered as co-owner of the marital property, risk ending up with no property entitlement in the case of family breakdown.

Source: FAO Country Gender Assessment (draft)

Land tenure and gender in Kyrgyzstan

Heads of peasant and private farms by sex:

	Women	Men
2002	12.4%	87.6%
2012	18.4%	81.6%



- Significantly less land is registered under the name of women than men;
- Women control less arable land;
- Women have less access to pastureland.

Source: FAO Country Gender Assessment (draft)



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Weak governance of tenure ***“makes already socially and economically marginalized women more vulnerable”***(VGGT).



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Consequences of weak land governance?

- Right to land is denied
- Limited access to credit (collateral)
- Land insecurity leads to vulnerability in the event of male migration, divorce or widowhood
- Reduced access to services associated to land owners
- Reduced access to land ➡ reduced access to food production and poverty reduction



Effects of secure land rights

- It is a 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 violence.¹
- Agricultural production and food security increase when women are granted tenure security.²
- 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 women.³

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"

Governing land for women and men

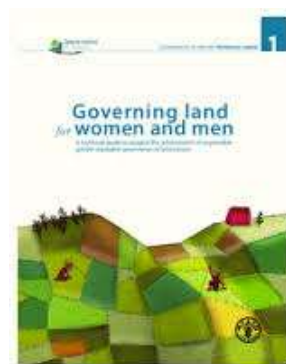
- *One of the principles the Guidelines are founded on is gender equality*
- *The Guidelines place tenure rights in the context of human rights*
- *The Guidelines do not have a particular section on gender*
- *Instead, gender issues are mainstreamed and addressed throughout the Guidelines*

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





Governing land for women and men

1. Policy making



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





Governing land for women and men

5. Getting the message across



Governing land for women and men in practice

Group discussions

1. Policy design
 1. Which are the limitations that women may experience in accessing land in Kyrgyzstan?
 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 do family and marriage traditions limit *de facto* women's equal rights to land ownership that is enshrined in the law?
 2. Using the checklist on p. 32 of the technical guide as inspiration, which measures need to be implemented in Kyrgyzstan to support gender equity?
3. Technical issues
 1. What challenges women face when they want to register land in 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?



Управление землей для женщин и мужчин на практике. Обсуждения в группах.

1. Разработка политики
 1. С какими ограничениями могут женщины в Кыргызстане столкнуться при получении доступа к земле?
 2. Используя контрольный лист на стр. 18 технического руководства для стимулирования, какие меры можно реализовать для продвижения равных прав мужчин и женщин де-факто на владение землей?
2. Правовые вопросы
 1. Как семейные и брачные традиции ограничивают де-факто равные права женщин на владение землей, которые обеспечиваются законом?
 2. Используя контрольный лист на стр. 32 технического руководства для стимулирования, какие меры необходимо реализовывать в Кыргызстане для поддержки гендерного равенства.
3. Технические вопросы
 1. С какими трудностями сталкиваются женщины, когда они хотят зарегистрировать земельный надел на свое имя?
 2. Используя контрольный лист на стр. 73 технического руководства для стимулирования, какие меры можно ввести по сокращению данных узких мест для обеспечения женщинам доступа к регистрации прав на землю де-факто?