

A Practical Guide for Addressing Gender Concerns in Land Titling Projects¹

Background

This practical guide provides guidance for task team leaders wishing to integrate gender approaches into land titling projects or titling components of larger operations. It provides key issues to consider; principles to bear in mind; data (what, who, and where) to collect; suggested project activities; useful indicators; and important steps to follow in each of the key stages of a project cycle. Five project stages are used to organize this guide: 1) Project Identification, 2) Design and Preparation, 3) Appraisal, 4) Implementation and Supervision, and 5) Project Completion.

1. Project Identification

Gender mainstreaming, as described in this document, should take place at the early stages of the project cycle: beginning from project identification in order to ensure that gender equality concerns are integrated from the outset. In this stage, information is normally collected regarding property rights, land policies and legislation, land administration institutions, and land market transactions in the project area. The gender concern during this stage touches mostly on the nature and extent of women's access to land and property and their socio-political status, in particular; the nature and enforcement (existence of enforceability mechanisms) of property rights themselves; the land administration institutions and their accessibility; and the broader economic, social, legislative and administrative setting.

The information to be collected and reviewed (from secondary data, relevant studies, key informants, and focus group discussions) can be accessed from land administration institutions and other governmental agencies, university-based and other research institutions that study land and gender issues, and community-based organizations (CBOs) and NGOs that work on gender and/or land tenure issues. Most importantly, information should be collected from the communities involved, especially women; this could be done through a community-driven approach².

¹ This document is a follow-up initiative to operationalize the recently published Gender in Agriculture Sourcebook, jointly produced by the World Bank, FAO and IFAD. It is mainly drawn from the authors' experiences in integrating gender approaches in Kosovo and West Bank and Gaza land projects, along with key documents: Land Module of the Gender in Agriculture Sourcebook; Gender Issues and Best Practices in Land Administration Projects; and Gender Issues in Monitoring and Evaluation in Rural Development: A Toolkit. Project examples are largely drawn from the World Bank's project portal. This Toolkit was drafted by Susana Lastarria and Tony Lamb, with guidance and review by Anu Saxen, Eija Pehu, and Catherine Ragasa.

² The Women's Resource Access Programme – WRAP contributes to understanding women's concerns regarding access to and control over natural resources and provides development practitioners with a rapid, effective, community-driven and low-cost participatory tool for incorporating poor women's voices in project identification, design, implementation and evaluation. The WRAP approach is built around a series of small community workshops to offer a forum for listening to the views and perceptions of poor community women on a range of selected resource access issues. See Gender and Livelihoods Sourcebook, pp. 160 ff. or <http://www.landcoalition.org/program/wrap.htm>

From this first stage and throughout all the project stages, political will, both on the part of donor agencies and government agencies is essential in order to improve and protect women's land tenure rights (ownership, lease, user and other rights). Further, sufficient budget to cover these project activities and supervision must be available.

1.1 Property rights (legal/formal and customary/informal)

Information collected and assessments commissioned during project identification should include the *gendered nature of property rights*. Information collected should examine both formal legal rights and customary rights. Appendix 3 of *Gender Issues and Best Practices in Land Administration Projects*³ provides a model social assessment that can be modified for specific areas.

To determine any gender disparity regarding the *legal status of women's land and property rights* (as citizens and irrespective of their civil status as daughters, wives, widows, or divorced):

- Assess the formal recognition of women civil rights as individual and citizenship.
- Examine legislation (laws, regulations and other regulatory instruments) that affects women's land rights including land and property laws, civil codes, family laws or codes (including inheritance and marriage laws), land reform laws, and registration laws, considering gender negative, neutral and positive statements in the law, and hurdles to exercising rights.
- Examine the types of rights that exist (ownership, lease, usufruct, etc), and how those rights are held (individually, family, male, female, temporary, permanent), including whether women can hold property in their own names.
- Examine the **participation of women** in decision-making processes at various levels from local to national and the extent to which they can exercise their rights.
- Examine the nature of the formal land market – how land is allocated and transferred, either from the government or open land market, and how women engage in market transactions.
- Determine the status of women's *recorded property rights*: how many women are titled and/or registered owners before the land titling project is implemented, and how an allocation or transfer is recorded and recognized.

In addition to the formal, legal framework, *customary/informal norms and practices* need to be examined; these are often stronger than formal/legal norms and practices.

- Examine the rules, institutions, and players involved in customary, religious, and informal frameworks, particularly those regarding inheritance, marital residence (for example, matrilineal or patrilineal), marital patterns (for e.g. polygamy) and divorce, assessing them as for the formal framework.
- Examine the types of land rights that exist, how those rights are allocated, held and the nature of the customary/informal land market – how rights are allocated, transferred, recognized and recorded (if at all).

³ http://siteresources.worldbank.org/INTARD/Resources/Gender_land_fulltxt.pdf

- Identify rights that are held commonly or exclusively by women, as well as those rights that are not commonly held by women, and the customary rules that encourage or exclude them from taking up those rights.
- Determine whether and how women are disadvantaged as property owners, tenants, or renters, and how these disadvantages can be ameliorated. Also, determine positive aspects of women's property rights and how these may be built upon to promote gender equity in land titling.

This information will give an idea of how effective rules and institutional procedures have been in regulating, protecting and promoting women's property rights. For example, how women's legal rights differ adversely from men's can be highlighted for possible legal reform. In addition it will be easier to understand the gap between women legal property rights and their actual control of land and determine ways to address this gap.

1.2 Land administration and related institutions

Women often have *difficulty accessing land administration institutions* such as property registries, as well as the broader administrative and justice institutions. Much has been written about how land administration institutions and their procedures are often complex, expensive, and lengthy. The additional difficulties that women may have arise out of the fact that women are often less mobile, have less access to information, fewer economic resources, and lower status. It is recommended to:

- Examine the administration of the legislative and broader policy and administrative framework by national, regional and local government authorities, and by the court and other dispute resolution bodies.
- Assess women and men's ease of access to government services, particularly land registration services, identifying hurdles (costs in terms of time and money, location and distance, transport, cultural barriers to interaction between women and men, socio-cultural norms which place strictures women's mobility, language and educational needs).
- Assess land registry's role, capabilities, delivery and effectiveness of services, biases, staff (number, capacity and effectiveness, professional background, morale, pay levels, gender ratio, and acceptance of gender equity and gender sensitivity), and physical infrastructure.
- Examine the role, capabilities, delivery, and effectiveness of services of other players who are relevant to either women's rights or land, such as NGOs, educational institutions, and government gender offices.
- Examine the land titling activity that has been undertaken to date and the results with regard to types of titles issued and gender of title holders (women title holders as percentage of total titled property owners).
- Assess each aspect in the urban and rural areas, noting where the reach of the formal systems begins to diminish.

In addition to procedural difficulties, there may be *attitudinal problems* that make it more difficult for women to deal with land administration officials. (In some societies, there may also be attitudinal difficulties with certain ethnic or racial groups that also need to be addressed.) Interviews with employees and users, as well as objective observation of customer treatment, can provide information about these attitudes and how they affect women's ability to exercise their rights.

This information will provide numerous areas in which reform may be needed. For example, poor access to services is often a major area for improvement under land titling projects, and negative attitudes towards women and their property rights can be changed through gender training.

1.3 Broader setting – the position of women in the community and economy

Gender differences in obtaining and securing land and property rights are often a reflection of their status in the household and the community. To better understand these difficulties, the following are recommended:

- Examine the broader social setting: family structures; representation of women in local affairs; women's roles in families and society; women's decision-making power; aged-care system; marriage, inheritance and divorce patterns; and effective means of communication.
- Examine economic activities – types and distribution of economic activity and role of women in these activities; women's access to equipment, technology, and factors of production (including credit); sustainability of income generated by control over assets.
- Examine particular difficulties that women, as compared to men, encounter in accessing land registry services (as well as other governmental services, particularly the court system):
 - less mobility (because of household responsibilities, particularly child care, and in some areas because of seclusion practices);
 - lack of confidence to interact/access public services/offices generally due to cultural understanding of women's place in the private sphere only;
 - less education, particularly literacy and numeracy levels;
 - lack of awareness and information of importance of securing the land rights;
 - lower income levels and fewer economic resources;
 - monolingual (where the official language is not the native language);
 - lack of official identification papers.

Identification of these difficulties will permit the design stage to determine how best to provide and deliver services to women. In Brazil, for example, a joint titling effort found that many women did not have legal identification documents and therefore were not eligible. The program collaborated with local officials to assist women in obtaining their documents, making them eligible not only for the titling program but also for other state services.

1.4 Position of government and land registry

Mainstreaming protection and promotion of women's property rights needs to be discussed with the government and land registry at the preliminary stage to establish their positions and to ensure in principle agreement to pursue the matter during project preparation and implementation.

Project Concept Note Preparation

In preparation for the concept note, a two-week scoping mission should be performed to gain more information and better assess the above outlined issues, preferably with the project team and the use of rapid, effective, community-driven and low-cost participatory diagnostic tool. A report can be compiled detailing the gender issues and possible gender components in the project design. A paragraph on the key gender issues should be included in the Concept Note, supported by an annex on the report from the scoping mission and literature review.

2. Design and Preparation

During this stage, more comprehensive gender analysis and social assessment are encouraged and the issues listed above can be explored further. Gender equity should be a cross-cutting objective of each component and activity. Every effort should be made to include women in the process (such as women's NGOs, women staff, women's community associations/clubs) in order to have their perspective considered and integrated into the design of the project. In addition, a gender specialist who has knowledge and experience on land tenure and women's land rights should be part of the design team.

An important entry point for gender mainstreaming in a land project or component is having a gender-specific indicator as part of the project development objective. (Gender related indicators are discussed further below.)

In designing the project technical components, the following key issues and indicators are to be considered.

2.1 Legal and policy reform

2.1.1 Legal reform

If there is a legal reform component in the project, and if there is a need, adoption of explicit and specific language regarding *women's equal property rights* in relevant laws can be included as a project outcome. There are UN human rights accords that have most likely been signed by the country that serve as justification for this type of legal reform.⁴

In Bolivia, the 1996 land reform law (Ley No. 1715, Servicio Nacional de Reforma Agraria) explicitly recognizes equal rights to land by women and men. Article 3, Paragraph V, states that *equity criteria will be applied in the distribution, administration, tenure, and use of land in favor of women, independent of their civil status*. The last phrase is important since it does not require that a woman be head of household or married in order to be eligible for land rights.

Laws or regulations can also be drafted or revised to be explicit about women's rights and include specific procedures for ensuring that women are included in land titling activities and that their rights are not ignored or violated. These regulations should include:

- specific procedures for including women and for protection of women's land and property rights in land titling activities;
- specific procedures for enforcement of marital property codes, inheritance, and family legislation;
- gender equality in the allocation of state land;
- the significant representation of women in land administration institutions (at national, regional, and local levels);
- where the legal framework permits grassroots or bottom-up approaches for land titling, there should be significant representation of women in local titling or adjudication and community mapping processes (for example, women paralegals and para-surveyors);
- The significant representation of women in decision-making processes concerning land administration and land management at the local level.

Where legislative reform is not (immediately) possible, the project can incorporate positive and specific gender statements in the land titling and registration organization's internal guidelines and the project activity guidelines.

2.1.2 Policy activities

A land titling project can promote studies on the position of women and the options for improving their positions in relation to land ownership, production and social dimensions. Further, policy can be developed by creating a dialogue with other government agencies and civil society (for example, workshops with government, university, CBOs and NGO participants) to publicize gender issues in land titling, the successes of land registration in improving women's position, and to explore further opportunities for reform.

2.2 Public Awareness

As part of the broader public awareness campaign that usually accompanies a land titling project, and following identification of local entities or groups (government, NGO, CBOs, professionals) that can assist, those implementing the publicity campaign can engage with local partners to develop an outreach program that raises awareness of gender equality, especially women's rights and access to land registration services among both women and men.

A titling project in Nicaragua in the 1990s that promoted the joint titling of land reform parcels to wives and husbands ran into difficulties in its attempts to legalize women's rights to land. A typical reaction encountered by titling teams was: "How can you tell me to put my wife on the title, by what authority?" Titling officials retreated: "We are not going to fight with the people, to antagonize them from the beginning." As a result, many joint titles were issued to brothers or fathers and sons.

2.2.1 Content and medium

The public awareness and informational campaigns should include a legal literacy component to inform women and men of women's legal land rights⁵ and how to access legal assistance to exercise and claim women's rights. The informational campaign should inform women how to have their property registered, the benefits of land titling and subsequent on-going transaction registration system for women and men, and the risks of titling. If property formalization is not accompanied by economic empowerment, people may underestimate the value of land titles and sell in case of economic need, thus increasing their level of vulnerability.

Depending on the most appropriate means of communication, the campaign can be conducted by means of presentations, courses, radio and TV spots, graphic brochures, internet or DVD. Information should be provided in the language of each significant linguistic group and with an easily understandable and culturally-sensitive content and form. Dissemination of information must take into account that women may face specific barriers to accessing information. Informational and awareness programs for women should also keep in mind that in some societies women may suffer social costs for claiming their legal land rights including social ridicule, shame, withdrawal of family support, and domestic violence.

2.2.2 Participants and communicators

The public awareness campaign should encourage women to take part in community meetings—this may involve practical adjustments to meeting times and locations so that they are suitable for women—but there can also be meetings aimed only at women, with opportunities for follow-up discussions and advice. It is suggested that those presenting or carrying out the publicity campaign have introductory training in gender and land titling, and those providing services directly to women have more detailed training. Staff of NGOs working with women or gender offices of the government can be useful additions to the professionals conducting the campaign. A monitoring indicator would be the number of women (as compared to men) that participate in community awareness meetings and the number of women-focused awareness meetings. Where there is cultural resistance to women's land rights, it may be necessary to hold meetings with community men and the local leaders or authorities to raise their awareness of women's legal rights.

⁵ Uganda Land Alliance (ULA) has put in place regional land rights centers; their main role is provision of legal and technical advice and encouraging alternative dispute resolution in land matters. <http://www.ulaug.org/>

2.3 Land surveying

Land surveying normally accompanies land/property adjudication. Property owners or tenants are usually required, or at least encouraged, to indicate or verify parcel boundaries. Encouraging women to participate in this exercise gives them another opportunity to forward their ownership claims. A monitoring indicator would be the percentage of women (of total landholder participants) that participate in surveying activities.

2.4 Investigating ownership and other rights

In designing the procedures and activities for determining the ownership and other rights aspect of land titling (or land registration), there are many factors to consider, so titling procedures should include guidelines and steps to assist the adjudicator (or titling team) determine who are all the rightful property holders (especially wives and daughters) to that land parcel or housing unit.

Guidelines should be expressed in a practical, step-by-step manner, and incorporate simple forms that ensure gender issues are considered. Specifically, the guidelines and forms can ensure that the adjudicator makes appropriate enquiries to establish possible women's property rights, such as:

- Who are all the owners and rights-holders of the property (other than the applicant)?
- Who has other interests in or occupies the property?
- Is the applicant married and, if so, where is the applicant's spouse? Where consensual unions are recognized, the language will have to specifically include those types of marriages/unions.
- How was the property acquired? If the property was inherited, who were the beneficiaries? If the property was bought, was it bought before or during marriage? Was the property allocated by the state to the household in a land reform or re-settlement program?

It is suggested that the adjudication staff be trained in the legal rights arising from such situations, and to follow up with further questions that could lead to identifying all the owners. Adjudication staff can also be trained and instructed to talk with all owners and occupiers, and to have them all sign the form. If there is a suggestion of undue or improper influence with one occupier/owner, interviews can be conducted separately.

It is important *not* to assume that land parcel or house titles will be issued in the name of the household head. Adjudication forms should not assume a single owner and should not refer to the head of the household, as experience in land titling projects has shown that the owner and head of household can be separate people. Forms can include a declaration to be signed by the applicant saying that he or she has provided all relevant information. Forms should also have a space to indicate gender and age of all property holders.

There are often special cases in land titling that require particular attention, which the questions listed above point to. As the following examples will show, a property will

often have more than one owner, including women owners. In addition, there may be persons who have rights, other than ownership, over the land.

2.4.1 Marital property

Laws often provide that property obtained during marriage, sometimes called community property, is regarded as the property of both spouses. Thus, where such law exists, the procedures should specify that marital property be titled to both spouses, irrespective of whose name appears on the documents.

Lao legislation, including the 1991 Constitution, acknowledges gender equity with regard to family, inheritance, and property laws. Daughters and sons are to inherit equally. Land acquired by a couple is supposed to be issued a joint land use certificate or title in the name of wife and husband (Law on Land, Art. 43; Family Law; and Property Law).

2.4.2 State land and property

Where state property has been allocated (in ownership, lease, or usufruct), joint ownership by couples is often legally recognized. If so, the procedures should ensure that both wife and husband are included in the adjudication process and titling.

In Bolivia the 1979 Family Code specifies that property acquired through grant or adjudication from the state forms part of the community property of the conjugal couple (Articles 111). This stipulation has been interpreted by Bolivia's titling agency (INRA) to include land distributed through the agrarian reform and re-settlement programs. As a consequence, titling teams are instructed to issue titles in the names of wife and husband to land reform and re-settlement parcels.

2.4.3 Inherited land and property

In the case of inherited land, where the law recognizes the rights of wives and daughters (as well as husbands and sons), procedures should ensure that the title include all property owners.

In Palestine, formal legislation on inheritance is considered personal law and follows Shari'a. Proof of right of ownership through inheritance is based on the *haser irthe* issued by the Shari'a court. This document specifies the rightful heirs of the property of a deceased person and the shares to which each heir is entitled. Spouses (wife and husband), sons and daughters inherit shares as specified in Shari'a. Customary practice, however, encourages and even pressures women, particularly daughters, to cede their shares to their brothers, leaving women dependent on the generosity and goodwill of their brothers, and husbands. In such cases, it is recommended that the land titling project issue titles to all rightful heirs, specifying their shares, and in this way acknowledge women's legal rights. If a woman wishes then to give, trade, or sell her share to her brother(s), she can initiate a land transfer after receiving title.

2.5 Specific services for women during land titling activities

To promote women's engagement in land titling activities, it is possible to provide direct assistance through public meetings directed at women, women-only meetings, engagement of a women's advocate of female community paralegal who can provide advice on a one-on-one basis, and work with individual women as their property is surveyed and investigated.

In the First Lao Titling Project, the project design and implementation addressed concerns over the lack of women's participation in the pilot land titling activity, and consequential loss of rights, by:

- engaging with the Lao Women's Union to promote women's property rights,
- operating a village outreach program to encourage women to attend public information sessions,
- providing information sessions for women to deliver women-targeted information, and
- the recruitment, training, and participation of a women's advocate who would organize meetings for women, explain their rights, hold informal meetings, and provide advice to individual women.

The result was that the percentage of women who had their rights registered (either in their own names or jointly with their husbands) increased to levels approximating those that existed prior to the commencement of land registration activity.

2.6 Public notification of results

The public notification of surveying and ownership investigation is an important part of land titling, and it provides another opportunity to protect women's property rights. In systematic registration, at the public display of results, it is possible to have female officers present for women (or other person, such as CBO representatives) to discuss their concerns and to obtain advice, and also establish women's information sessions, hotline or advice services (perhaps on a part-time basis) at the adjudication office, with details of location, time and service displayed prominently with the public notification results. It is also possible to facilitate the appeal process for women by establishing links with lawyers and others who could offer specific assistance or who could run test cases, and by providing their contacts to women during the public notification process.

Providing services to women at both the investigation and public notification stages is much easier where the titling is conducted by systematic rather than sporadic registration means because systematic is generally an open, community participation process, whereas sporadic is a one-off activity that does not usually involve much publicity. Therefore, special extra steps need to be undertaken where the sporadic method is used, such as placing a notice on the property being registered or placing an advertisement in a local newspaper with relevant details of services for women, as well as using radio programs where illiteracy rate are high.

In the USAID-sponsored Land Reform Project in Tajikistan, the project sponsored a group of 25 women in 2007 to mount a legal challenge to the decision of a local official to revoke their land rights. The women won the case, and the court's decision was used around the country to educate women, men and local officials on respecting women's property rights.

2.7 Property registration and distribution of titles

The recording of property rights and boundaries in the property registry is the last step of property formalization. In systems where titles are distributed to owners, they should be delivered to both the male and females owners of the property simultaneously.

In some land titling projects, land and housing are quickly surveyed and titled, but then the titles languish in the registry. Time should be taken to verify that the correct and all property owners have been legally titled. If necessary, the registry may have to reject titles and return them to the titling agency to be corrected. The obvious remedy is to take the time during the titling process to include all legal owners. There is, however, another reason that registration of titles may be lengthy. Sometimes, the registration law regarding who are legal owners does not conform to the guidelines followed by titling teams. This creates a tension between the registry office and the titling agency. This problem can be eliminated by confirming, before titling proceeds, that both the titling agency and the registry are following the same regulations with regard to who are legal property owners.

2.8 Registration of Transactions

The registration of transactions such as sales, mortgages, leases and inheritance after land has been registered (on-going, subsequent or secondary registration) is as important as the initial registration of land and its ownership. Gender concerns are equally important at this stage, so procedures and facilities promoting the protection of women's rights can be incorporated in the design of the transaction registration system. As in first registration, specific activities that would promote and protect women's property rights can be incorporated in the land registry's operations. These include:

- ensure information on rights, obligations, resources and other materials promoting and protecting women's property rights is publicly available in all registration offices;
- have a dedicated (female) person for women to contact to discuss their concerns and to obtain advice;
- provide women's information sessions, hotline or advice services (perhaps on a part-time basis) at the land registration office;
- offer extended services one night per week so that working women can get to the land registry in time;
- have outreach or mobile offices for women (and men) who cannot travel long distances to the registry office, and provide administrative help in completing the forms;

- create professional links between the land registry organization, on the one hand, and NGOs and CBOs or other groups or professionals, on the other, who can assist women, including pro bono work.

In the First Kyrgyz Land and Real Estate Registration Project, registration services were introduced for villages 25 kilometers or more away from the local registry office. Each week, or when the village chief advises that there are documents to be registered, a mobile registry office travels to the village to pick up documents and deliver registered documents and the results of earlier requests for title searches.

In terms of the internal practices and procedures of the land registration organization, guidelines can be incorporated into working manuals for transaction registration that promote gender equity and protect women's rights. Here, too, guidelines should be expressed in a practical, step by step way, and incorporate simple forms that ensure gender issues are considered. Special attention can be directed at special cases such as inheritance and death of a spouse where rights of women are most at risk and include procedural protections. These safeguards should include:

- Ensure that all supporting documentation required by law has been provided, such as relinquishing inheritance, and that it conforms to the legal requirements for signing and witnessing, and has the necessary approvals, such as a court endorsement.
- Draft registration forms (or require the same on deeds) to include a declaration that all persons with an interest in the transaction are parties to it, and ensure that they have all signed. (In countries where notaries carry out this function, this may not be necessary.)
- Identify on the form or deed how the interest was originally acquired, so that the registration official can assess if all owners have been included in the application.
- Identify the gender of the parties recorded on the transaction form or deed, and also in the registration system.

2.9 Dispute resolution

The surveying and investigation of rights of land and housing will inevitably result in disputes over boundaries and rights between neighbors and among family members. Land titling activities also provide opportunities for certain influential persons to acquire rights to land that do not belong to them. Community-based titling and mapping procedures can reduce internal conflicts. The land titling project can also provide means to easily detect and resolve land grabbing and property disputes, including mobile administrative or judicial offices that deal exclusively with land disputes. Resolution of disputes may involve judicial or alternative dispute resolution methods. In either case, personnel involved in dispute resolution should be aware of, and sensitive to, women's land rights and their susceptibility to property loss.

As a stakeholder group, women have great difficulty in having their disputes around land rights recognized for two reasons: their status and their identity. Successful mobilizations around land conflicts are generally along class or ethnic lines, because

these are public identities. Gender identity is not easily perceived as a collective identity, particularly for women in rural areas, because they have minimal power, authority, and public action. Land conflicts that involve a claim by a woman are often considered private, household disputes and are generally limited to intra-household discussion/negotiation; rarely do they transcend beyond the household to the community level/authorities. Moreover, wives are often outsiders in the community and in their husband's household. Since women's rights to land are mostly transmitted through men in their family or household, to make a public claim for what she believes is her land right is considered shameful. In addition, women are considered second-class citizens and have minimal power to make their grievance recognized and addressed.

Many women who find their rights ignored or taken away may have difficulty accessing dispute resolution agencies because of low educational or economic resources or because of low status. A (female) land registry staff member can be appointed as the lead gender contact person, and he or she would receive broader training and provide a focus for dealing with gender issues in his or her office. The person could be identified in the public areas, with an invitation to the public (particularly women members of the public) to raise their concerns with the gender specialist. Legal assistance programs for women that advocate their rights will encourage women to come forward with their claims. This legal assistance must be available at local levels, perhaps mobile legal teams, as women are less able to travel to administrative centers.

2.10 Project staff and technical training

A land titling project can send an important message by having the directive to hire as many competent and qualified women staff (and not just at the secretarial or clerical levels) as possible for the different components and activities. Women paralegals, surveyors, adjudicators, technicians, lawyers, registrars, judges, and public relations specialists will also encourage women to approach project staff to make their property claims or request assistance. In societies where there is strict separation of women and men, it will be necessary to have female staff at all levels in order to provide services for women; separate entrances and rooms for women clients may also be necessary.

In order to achieve a significant and representative number of women staff members, it may be necessary to include a disproportionate number of women in project training programs. Including women in training programs is particularly important when community members are trained to assist in the fieldwork, for example, as paralegals to assist adjudicators and technicians to work with surveyors in the titling teams. Special efforts and procedural accommodations may be necessary to encourage community women to participate and for them to feel comfortable during training and in the carrying out of their project responsibilities.

An audit of the gender mix and skills level of staff of the land registry is recommended as well as an assessment of gender-focused training (see below) that has already been provided.

It is suggested that a representative of women's advocacy organizations also be included on the supervisory board (if one is to be created) of the project management or implementation and on any customer service council.

2.10.1 Gender training of staff

All land titling and registry staff, from the directors to the office staff to the titling teams should participate in gender training. This gender training can include the human and property rights of all citizens, including women, and the obstacles that women encounter in exercising their rights. These obstacles are socio-cultural, economic, and practical. Where other population groups also experience these obstacles (such as minority ethnic or racial groups), gender training may need to be broadened to include them.

It is suggested that gender training on land rights and property issues include:

- general introductory course on gender as human rights and why the topic is important, including social and economic benefits that arise;
- rights and obligations established by the law, focusing specifically on women's property rights and the obligations of officials to protect and promote those rights;
- good customer practice, with a special focus on meeting women's needs;
- communications – how men and women communicate, best methods for communicating;
- dispute resolution – how to deal with disputes within a family that are occur during registration work;
- particular needs and obstacles that women face in establishing and using their property rights, and how the land registry can serve women; and
- other organizations, sources of information and facilities that can assist women with their property concerns.

Gender training is not a one-shot exercise. Gender (or socio-economic) training should be held periodically throughout the life of the project for two reasons. Projects may experience high turnover of its personnel, particularly of field personnel. Periodic gender training will ensure that new staff members receive training. The other reason is to update specific aspects of the training and the process based on project experience and problems. Training sessions can be an excellent time to discuss new problems or obstacles that arise and to suggest adjustments to project procedures and activities.

2.10.2 Titling and registrations teams

Primarily in systematic titling and registration, but also in sporadic titling and registration, teams are created to carry out the field and legal investigation. Titling teams are the most important link between the project and the community. Whether the teams are formed and staffed by project personnel or by private firms, their objectives and training have to include gender-sensitive guidelines and procedures based on the above discussion. This is often the weakest link between project design and project outcomes when it comes to gender concerns. Titling teams, either because of their own values and norms or because of resistance from male authorities and household heads, often disregard legal norms and directives that seek to extend legal land rights to women.

At village socialization meetings in Java, Indonesia, titling officials do not explain that couples can register marital property in the names of both spouses and that the titling agency can issue title certificates for marital property in the names of both spouses. They also do not discuss the joint property status of land purchased by married couples. When asked why these topics are not covered at socialization meetings, titling officials gave several reasons. Some officials are afraid that providing information about the fact that both husband and wife's names can be placed on the land title certificate is not neutral and might influence a couple's decision on how to register their land. Also, some officials believe these topics are outside the scope of the meetings. As one official put it, the meetings are a forum for teaching about the process of registration and not "a venue to campaign about women's rights."

It is suggested that the teams have a gender balance. Teams should undergo general gender awareness training as well as specific gender awareness training that is relevant to the first registration process. In particular, they should be trained in interpersonal skills necessary to deal with both men and women, investigative skills so that they can ask appropriate questions to identify all owners, and dispute resolution skills so that they can resolve conflicting claims between co-owners and neighbors. Many of these skills would be required in any case, so the training can simply highlight the gender aspects in each case. Specific gender training would focus on the legal rights of women, constraints that women encounter when claiming their rights, and methods for overcoming those constraints.

2.10.3 Land registry and project staff

The staff of land registries and project implementation units (PIU/PMU) can have a good gender mix and have a person with responsibility for dealing with gender issues in land titling and registration. It is suggested that the project implementation staff take part in the training provided to the staff of the land registry.

2.10.4 Land market professionals

Land market professional include private lawyers, notaries, surveyors, valuers, real estate agents and others associated with the property market, and also government officials and judges. These people are important because they provide a link between women and men and the legal, justice and registration systems. It is suggested that they receive training along similar lines to that described for land titling and registry staff, with an emphasis on legal rights and obligations, how to identify problems, how to address them, and the resources that are available for dealing with problems and promoting gender equity.

2.11 Institutional development

Gender equity should be included as an objective of the project and in the charter of the land registration organization. One recommendation to achieve gender equity is to create a gender unit within project implementation team and/or the land registration organization to mainstream gender in land administration. The aim would be to change attitudes amongst both staff and the public. The charter of the unit would be to promote and monitor the success of gender equity initiatives, and to provide a focus for activities.

Other options include:

- creating a customer council or board and ensuring that at least one member represents the interests of women; and
- providing a legal assistance program with a special focus on women’s rights.

Preparation of draft Project Appraisal Document (PAD)

A paragraph on the key gender issues should be included in the draft Project Appraisal Document (PAD), supported by an annex on the report from the scoping mission, literature review, and gender analysis.

3. Appraisal

This stage involves assessing and checking that the project design and preparation is complete and finalizing the Project Appraisal Document (PAD) and project operations manual.

3.1 Preparation of Project Appraisal Document (PAD)

A paragraph on the key gender issues should be included in the PAD, supported by an annex. A gender-specific element to the project development objectives and/or gender-specific performance indicator(s) for the technical components are important entry points in mainstreaming gender approaches into the project.

There are two main categories of indicators to assess gender: project activities and effects of those activities. The first category covers women’s engagement in the activities that have been listed above, such as publications, public awareness campaigns and training courses, and would be judged simply by how many activities were undertaken and how women were involved:⁶

1. Institutional development of land registration organization: the indicators could cover whether gender equity was included as an objective in the land registry’s charter, whether a gender unit was created, whether a customer council that includes women was created, and whether a supervisory board that includes at least one woman was created. Monitoring these activities would be a simple matter of whether the action took place or not.
2. Land titling activities: the indicators could cover whether the manuals incorporated guidelines on promoting gender equity as discussed above, whether the appropriate training on this topic was conducted, whether the forms were designed correctly, and whether there was gender equity in terms of staffing the registration teams. Here, too, monitoring would be a simple matter of checking that the actions discussed above were taken. Perhaps more importantly, the proportion of women who have their property rights registered should remain the same (i.e., women should not miss out on their rights – or lose them – due to land titling activity, nor should men). This would be a difficult activity to monitor in

⁶ Greater detail for each activity and how to monitor it are been included here because it is unclear which activities will be adopted during negotiations between the Bank and the government of Kosovo. It should also be noted that there are costs to monitoring, and that larger resources will be required if many of the indicators are to be monitored.

terms of gathering baseline data,⁷ but the results of land titling would be easily accessible, particularly if the IT system can provide gender-disaggregated data. Specific political recommendations could be to include the collection of disaggregated data into governmental census for building the baseline.

3. Registration of transactions: again, the indicators would be whether the actions outlined above have been implemented, particularly inclusion of approach guidelines in the manuals and training in their application, but also such things as information and outreach activities. Monitoring would consist of whether the activity took place and the number of women who provided information or service.
4. Communications: the indicators under this heading would include the whether gender-appropriate language was used in communications, and the number of brochures, radio programs, meetings and other activities specific to women carried out. Also, indicators would include the number of women who received the brochures and who attended the sessions (and percentage of women compared to total persons who received these services).
5. Training: indicators for this activity would include how many courses of the type described above dealing with gender equity were implemented and how many people attended, what proportion of attendees were women. Monitoring would be a simple matter of whether the activities took place and counting the number of women involved (and percentage of women compared to total persons involved).
6. More generally, the project could be monitored in terms of allocation of project resources within the land registry, such that training, travel and other opportunities and resources provided by the project are allocated proportionately (or equally) between women and men. This could be monitored by identifying what is being provided and simply counting how many women share in the benefits. There could also be a monitoring of how much of the budget has been earmarked for activities promoting gender equality in titling (including trainings, etc.)

As the above paragraph implies, monitoring project activities will only tell you whether your planned activities were carried out. It will not tell you whether the outcome expected of those activities has actually been achieved. For this, it is necessary to monitor the impact or effects of those activities on women (and men), their property rights and their broader position arising from improved protection of their property rights. This is a

⁷ One way to obtain the baseline data is to conduct random sample studies in selected representative areas. It is important to remember that success would be measured in the *lack* of change in numbers – land titling is an exercise in formalizing existing rights rather than redistributing such rights or allocating new rights. Therefore, rights should not change during the registration process – they should simply be formalized. It should be noted, however, that the rights are those that a person *should* have – as stated in the law – not only what they think they have. There are bound to be many instances where women do not know what their land rights are and where men mistakenly think they are the sole owners of property. The titling process should make women aware of their legal rights and/or also ensure that property is titled to all persons holding rights to that property.

much more difficult task, particularly as the complex nature of social and economic relations make it difficult to isolate the impact of project activities.⁸

In terms of the effects of a land titling project, the following indicators could be used:

- Awareness of women's property rights is increased – both within the land registry, and more importantly, the broader public. This would arise from the activity of the public awareness campaign, plus training and other education activity, and would be measured by a sample conducted prior to the commencement of the public awareness campaign (and the other communications and training activities listed above) and would be monitored by means of social assessments at the mid-term and end of the project.
- Land market professionals and the judiciary are more aware and attuned to gender-based property issues and more aware of the legal framework for protecting women's property rights. This would be monitored through social assessments.
- Institutionally, the situation regarding female staff of the land registry is improved in line with government policies/programs for gender equality. This would be monitored by reference to the staffing records at the beginning, mid-term and end of the project.
- At the public and institutional (agency) level, principles of gender equity are broadly embraced and accepted, and institutionally, they are promoted. This could be monitored through assessments of public and staff attitudes during the life of the project.

In very broad terms of the effect of the project, the following indicators could be considered:

- Women's inheritance rights are better respected and implemented in accordance with the law, and women pursue their rights. In the long-term, this could be measured by an increase in the number of women recorded in the land registry system.
- Women use their land certificate to achieve better economic outcomes. This could be measured through social assessments – asking women who have successfully participated in the land titling program what benefits they have received.
- Women's economic activity increases through greater access to credit and income generated is sustainable in the long-term perspective. . This could be measured by data from banks and other credit agencies.

⁸ For example, during the period of the first Kyrgyz Land and Real Estate Registration Project, the mortgage market grew from zero in 2001 to more than USD1 billion in 2008. Much of that growth could be ascribed to the greater property security delivered by the Project, but there were many other factors, such as growth of local banks, increases in remittances, and a lack of alternatives to property as an investment. It is thus impossible to apportion the extent of the influence of the Project on the growth of the mortgage market.

- Women’s standard of housing improves through improved construction and renovations that arise from greater security in their ownership. This could be monitored through social assessments.
- Domestic violence against women is reduced
- Women’s participation in local, regional and national decision-making processes is increased.

It will be important to collect baseline data on the percentage of women who have ownership or other rights over land, how they are using their rights, their access to credit, and their use of inputs for agricultural and other forms of production.⁹ This requires monetary and professional resources. If the above items are to be monitored, funds need to be allocated for gathering data and ensuring that future social assessments are budgeted to gather the follow-up data.

3.2 Preparation of Project Operations Manual

The operations manual pertains to project procedures regarding staff, project management unit, procurement, training, etc. This is another entry point for mainstreaming gender approaches into project documents, but in reality, the more appropriate place to incorporate gender concerns is in the land titling and land registry operations manuals. The content and approach to these manuals has been discussed above.

4. Implementation and Supervision

4.1 Preparation of practical manuals

These include adjudication manual (for both systematic and sporadic registration) and land registry procedures manual (including front/back office procedures). The issues, activities, and procedures listed above should be included in these manuals.

4.2 Monitoring

Monitoring of the design elements discussed in Section 2 above needs to be done periodically. When possible, monitoring should be done (1) several times during the first few years of the project, (2) whenever the project extends to new geographic areas that have different social and cultural characteristics, and (3) at project completion. At a minimum, gender monitoring should be done midway through the project and at project completion. It is suggested that the design of monitoring methodology involve women staff and women participants. Monitoring methodology includes the collection of indicators for the gender objectives discussed in Section 2 and a review of these indicators to assess whether the objectives are being met satisfactorily. Women staff and project participants may recommend additional monitoring indicators based on project implementation experience. Tracking gender objectives through indicators gives project officials the opportunity to modify procedures and activities when necessary.

The land registry IT system should record how the property was acquired and gender of the owners, so statistics can be easily provided.

⁹ A model assessment questionnaire that can be easily adapted for different geographic and cultural areas can be found at: http://siteresources.worldbank.org/INTARD/Resources/Gender_land_fulltxt.pdf

4.3 Supervision Mission and Mid-term Review

A paragraph on the key gender issues can be included in the Supervision Mission reports and Mid-Term Reviews, supported by a more detailed annex. The annex would cover the performance indicators listed above.

If gender approaches were not included in the design and preparation and appraisal stages, supervision missions and mid-term reviews would still be important entry points for incorporating gender approaches into operations. It is suggested that a person experienced in gender and land tenure systems or land titling projects be involved in the supervision mission.

Areas can be identified where project performance can be improved by including gender-responsive actions of the types listed above.

4.4 Baseline study

The project design is encouraged to include plans and, importantly, budget for implementation of a baseline study in the project area. The purpose of this baseline study is to serve as a starting point from which to measure project effectiveness (in titling the target population) and project impact on area households. The baseline survey must take care to collect gender-disaggregated data so that gender outcomes and impacts can be determined.

The baseline study should ideally be a random sample household survey that:

- has a large enough sample size to explore causality with some degree of accuracy;
- includes a control group, that is, households in comparable areas where titling will not take place or will take place at a later date;
- collects gender-disaggregated data with regard to household makeup; land and property acquisition, use, and rights; productive and reproductive activities; access to resources and productive factors such as labor and credit, access to government and social services; marriage and inheritance patterns; etc;
- collects land information by parcel, such as owner(s), acquisition, use, improvements, who has decision-making authority, who manages the parcel, etc; and
- includes use of credit, use of land as collateral, and land market activities such as sale and purchase of land and land rentals.

Appendix 5 to *Gender Issues and Best Practices in Land Administration Projects* provides a model questionnaire for a baseline survey.¹⁰

4.5 Other considerations

During implementation, one tactic to encourage women's involvement in the project is to target households headed by women and actively encourage or facilitate their participation in the land titling activities. Their cases can then be promoted as examples for other women to follow. Another tactic is to combine land titling activities with other

¹⁰ http://siteresources.worldbank.org/INTARD/Resources/Gender_land_fulltxt.pdf

(whether Bank or other) projects, particularly economic development projects, such as agriculture extension, small business development or micro credit, to identify synergies between the projects, and also to promote the benefits of land titling.

5. Project Completion

The evaluation of project outcomes undertaken at project completion to determine whether project objectives have been achieved should include gender objectives.

5.1 Assessment of gender objectives

Ideally, there is a detailed baseline study undertaken at the beginning of project implementation so that a follow-up survey can result in a valid assessment of indicators and objectives (see 4.4 Baseline Study, above). If no baseline study was done, special care can be taken to ensure that the evaluation study/assessment: (a) include, if possible, a comparable control area where titling and registration activities were not undertaken, and (b) collect gender disaggregated data. This will permit data analysis that measures gender objectives and to determine whether unintended outcomes, whether positive or negative, have resulted from project implementation.

5.2 Preparation of Implementation Completion Report (ICR)

The ICR should include the promoting and protecting of women's property rights if it was included as part of the project's PDO and/or performance indicators.

Last edited by:

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