Assessing Land Administration Project’s Gender Impacts in the Western Balkans

Country Case Studies: Albania, Bosnia-Herzegovina and Montenegro
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Introduction

Land is a key factor of production and often represents the major part of a family or household’s wealth. Land and real property\(^1\) can provide direct income through lease and sale, as well as act as collateral for a loan. Formal rights to land for women can have an impact on intra-household decision making, income pooling, and women’s overall role in the household economy.\(^2\) Thus, if women are excluded as formal owners of land and property, this has a direct impact on their economic well-being. However, gender disparities in land access remain significant in many countries, regardless of their level of development.

Increasing women’s access to land markets is identified by the World Bank’s Gender Action Plan as one of the policy measures that contribute to women’s economic empowerment. Formal rights to property can improve a woman’s access to credit to expand a business or invest in her land. Increasing women’s access to land is crucial to fight hunger and poverty. Land provides rural households the basic means for subsistence and market production. It offers a secure base with which to shelter and nurture families and develop livelihood strategies. Even in countries where rural income has become less dependent on agriculture, land and property continue to be an essential resource.

The Gender Action Plan Trust Fund has provided financing for this qualitative assessment of gender issues and the impact of current land administration projects focused on the Western Balkans (Albania, Bosnia-Herzegovina, Kosovo, Macedonia, Montenegro, Serbia). The assessment has three focus countries: Albania, Bosnia-Herzegovina, and Montenegro. The objectives of the assessment are:

- To conduct an analysis focusing on the current status of women’s property rights and any changes since project preparation studies were completed and what potential impacts the projects had;
- To deepen the awareness of current project implementers regarding gender issues to inform future interventions; and,
- To identify gaps and weaknesses in women’s land rights and access to land and what improvements could be made within the existing projects and timeframes.

Given time and resources constraints and the exploratory nature of the assessment, a qualitative approach was chosen, primarily with semi-structured interviews and focus group discussions. The qualitative analysis included discussions with key local, regional and central government bodies; professional actors such as real estate agencies, lawyers, banks, developers; actual property owners; and civil society groups/ NGOs. With the

\(^1\) In English Common Law, real property (or immovable property) is any subset of land that has been legally defined and improvements made to it by human effort: buildings, machinery, wells, dams, canals, roads, various property rights, and so forth. This paper will use the term land and property to refer to the land and any buildings or improvements made on the land.

help of such groups and interviews, it was possible to gain some insight into the thoughts and opinions, reasons, and motivations behind the behavior and actions of men and women in the focus countries. The research was conducted in both rural and urban settings. This assessment draws on previous work by the World Bank on land and gender issues and various social assessments prepared for the Bank financed projects.

**Background**

Within the household, the way in which land rights are assigned or will be transferred through inheritance will affect the range of land- and non-land-related economic opportunities open to women and the spending outcomes directly under their control. Women’s ability to have independent access to and to exercise control over assets is a critical determinant of their welfare and their income-earning capacity (Fafchamps and Quisumbing 1999). Past research and conceptual work were often based on a unitary model of the household; however, a growing literature indicates that this model is often inadequate and that the way in which control over land rights is assigned within the household has far-reaching implications for a wide range of outcomes (Schultz 1999). Evidence suggests that in a number of circumstances, the preferences of women and men in the same household for different types of consumption are not equal, and the ability to control assets or the benefits derived from them will have implications on the way in which household income is spent across different types of consumption items.

A growing literature demonstrates that in Africa and Asia, women’s control over household assets affects consumption patterns. Households where women control greater shares of assets and land at marriage have been shown to spend more on food and on children’s welfare and education (Leroy de la Brière 1996; Doss 1996; Fafchamps and Quisumbing 2002; Haddad 1997). In Honduras and Nicaragua, the amount of land women own has a significant and positive impact on food expenditure as well as on children’s educational attainment (Katz and Chamorro 2002). Given the importance of land in the asset portfolio of the average rural household in many developing countries, increasing women’s control over land could therefore have a strong and immediate effect on the welfare of the next generation and on the level and pace at which human and physical capital are accumulated.

Gender inequalities in land rights are pervasive worldwide. Not only do women have less access to land than men, but they are also often restricted to so-called secondary land rights, meaning that they hold these rights through male family members. Women thus risk losing entitlements in case of divorce, widowhood or their husband’s migration. Evidence also shows that women’s parcels are generally of smaller size and lower quality. An international comparison of agricultural census data shows that less than 20% of landholders are women worldwide. Since the 1990s, several land distribution and titling programs have tried to increase women’s access to land.

In most of the countries of Eastern Europe and Central Asia, inheritance and property ownership laws are similar to those of Western Europe allowing women to own and inherit land and property equally to men. A review of land reform and privatization of
Land rights in 2007 found that although formal legislation and procedures are largely gender neutral, women’s access to information and legal recourse is substantially lower than men’s (Dudwick et al, 2007). Qualitative studies conducted in other contexts suggest that women, particularly in rural areas and in specific countries, experience barriers to access to property rights. In cases of inheritance, property is generally divided equally among the heirs regardless of gender. However, among some ethnic groups and in rural areas, custom and tradition require a woman to give up her inheritance in favor of brothers and other male relatives. Titles and deeds to land are often only in the name of the head of household, which is usually a male. In many countries of the ECA region privatization or restitution of farmland has been done to whole families, however only the male head of household is listed formally on the title or registered, thereby reducing the de-facto rights of other family members. “The male household head…is able to exercise customary rights over that family land, and it remains unclear whether individual family members have a right to withdraw, sell or lease their land shares.”

Overall, in the ECA region, the issue is not a statutory one, but rather related to local practice, culture and tradition which can vary across the region from the Western Balkans to the Caucasuses to Central Asia. The focus of this study is the Western Balkans where social dislocation and civil war during the 1990s also contributed to the erosion in the status of women.

**Land and Property Rights in the Western Balkans**

In the 1930s, approximately 70 percent of the population of the Western Balkans was dependent upon agriculture. Throughout the communist period, governments pursued agriculture collectivization policies. Such policies sought to consolidate individual land and labor into collective farms. Two main types of farming emerged throughout the region: state farms and cooperative farms. Meaningful private ownership and the allocation of land through market mechanisms did not exist, even in countries where some individual land parcels remained in the family’s possession (e.g., Yugoslavia). Most urban land was completely nationalized and housing was distributed according to rank and employment. After the transition, apartments and housing were privatized usually at below markets rates to the current possessor. Farms and agricultural land were also privatized or ‘decollectivized’ with individual rights allocated to former owners or current possessors in various ways. Restitution of property has proceeded more slowly in many countries of the region due to the difficulties of returning property to former owners who may no longer be in the country, or where the property may have other current users and possessors. While women have generally benefitted from the privatization of apartments, gender disaggregated data is lacking in most countries making it difficult to know the exact gender pattern of land ownership. In addition, titles and registration of property ownership are usually in the name of just one spouse and most often the male.

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Country Findings

This assessment focuses on three countries – Albania, Bosnia-Herzegovina and Montenegro – each of which has on-going land administration projects. The following section includes an analysis of gender and access to property rights in the three case study countries, followed by a set of recommendations that apply to all three countries.

Albania

Privatization of land in Albania officially began in 1991 with the land reform law. Village land commissions were established to distribute agriculture cooperative land among the village families. Unlike other countries in the region where land was restored to pre-socialist owners, Albanian reform focused on the needs of current users. Each rural family received a portion of the land based on the size of their household. The land was designated as the private property of the family. While only the head of the household’s name appears on the land certificate, the land reform allotted agriculture land as family ownership and not individual ownership. As such, each family member is considered a co-owner of the land.

Albanian legislation acknowledges the landownership rights of both individuals and families. The Civil Code, adopted in 1991, affirms the right of “all citizens to own and inherit property.” At the same time, the Civil Code designated agricultural land as family land, not to be subdivided among individual members except under specific circumstances. Albania has the highest percentage of private land farmed by family units in Central and Eastern Europe.

While the poverty headcount fell from 25.4 percent in 2002 to 12.4 percent by 2008, in the rural areas, female-headed households have experienced a poverty reduction rate one-third the rate of male-headed households. As men in Albania have migrated internally and internationally in search of work, women have taken on additional burdens in agriculture and the workforce; though the labor force participation rate for women in the formal sector is still only 56 percent (2009). Women are paid less compared to men for both agricultural and non-agricultural work. Particularly in agriculture, net payment to women is 50 percent less than men, while in the non-agriculture sectors, despite similar working hours, female salaries amount to 75 percent of male salaries.4

In order to improve the life and work prospects of women in Albania, in 2003 the Albanian Family code (Law Number 9062 Adopted May 8, 2003) was adopted and it stipulated complete equality between men and women before the law in terms of rights and responsibilities. According to Article 66, the marital property regime of spouses is stipulated by the law and the wealth of the spouses is presumed as joint, unless one spouse proves its personal character (Article 76). The law provides guidance in cases of inheritance, divorce, death of a spouse, termination of the community property regime, etc.

However, customary property rights are often at odds with formal legal rights. Under customary rules, when a son leaves the household, he does not forfeit his rights to the land. However, when a daughter marries and leaves her natal household, she loses her rights to the family land. Heirs of the land are most often sons, while daughters are encouraged to give up their inheritance rights. Based on patrilineal and patrilocal norms, the birth family’s land is thought of as unnecessary for women because they will have access to their husband’s family’s land. According to the practice and custom among the Albanian community throughout the Western Balkans, property is usually registered in the husband’s name.

In 2008, the Gender Equality Law 9970 was adopted. This law regulates fundamental issues of gender equality in public life, the protection and equal treatment of women and men with equal chances and opportunities to exercise their rights. The main contribution of this law is the establishment of the National Council on Gender Equality with the main goal to ensure that gender issues are considered across all government policies and programs. A great deal of attention has been paid to establish gender focal points and put in place the structure, however, the actual implementation has been hampered by a number of obstacles. These include: pervasive gender stereotypes on the roles of women and men; a perception that issues pertaining to the family sphere – such as violence, lack of control over resources – are not the remit of the state; and in some cases, by modern-day and often un-educated interpretations of customary law. Other challenges include: insufficient investment in capacity development of government employees; insufficient budgetary allocations for implementation of gender focused programs; relatively high turnover of staff; and a perceived lack of clarity on the division of labor between central and local authorities. As a result, while the institutional mechanisms to implement laws are gradually getting stronger, there are still no full-time gender experts in the line Ministries and very few at the local level, and the national gender equality priorities are not yet integrated into key sectoral policies and programs at the national and local level.5

It is clear from the key informant interviews and focus groups conducted during this assessment, that tradition is still predominate in defining gender roles. During discussions with legal professionals, it became clear that property is registered only in the name of the head of household (which in Albania is the eldest man of the household). The land titling process does not include registering both spouses. After divorce, the majority of Albanian women re-join their parents household and do not pursue their right to joint property acquired during the marriage. Besides tradition, one of the reasons for this situation is the lack of earning opportunities and financial resources among Albanian women to initiate legal procedures (lawyer expenses, courts taxes, etc.).

Younger women are increasingly more aware of the rights, procedures and institutions in which to establish their legal given rights. However, estimates of the percentage of Albanian women informed, or aware of, the benefits of having joint property registration is still low at 30%, and perhaps lower in rural areas. Even well educated women in urban

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5 Caterina Ruggeri Laderchi, Western Balkans Programmatic Gender Monitoring, Albania gender profile (not yet published).
areas are not familiar with their rights to land and property and do not enforce those rights regularly.

The Bank-financed Land Administration and Management Project in Albania became effective in 2007 with the Immovable Property Registration Office (IPRO) as the main implementing agency for the land administration component. While it was recognized during project preparation that gender is an issue and there was a need for a public awareness campaign tailored for women to educate them about their property rights, nothing has been done so far to implement this recommendation. The customer survey carried out in 2010 did not include gender disaggregated data and the project has not incorporated any monitoring of women’s participation in the titling process. As of 2011, no gender disaggregated data are available for titling or property ownership so it is impossible to measure if any progress has been made.

**Bosnia-Herzegovina**

In Bosnia-Herzegovina (BiH), the 1992-95 war touched virtually every sector of the country, devastating the economy and the social fabric of society. As a result, poverty is deeper and more widespread here than in other countries of the former Yugoslavia. Approximately 20 percent of the population lives below the poverty line, nearly 30 percent live in houses without adequate property rights, about 25 percent have only basic education, 20 percent are underemployed or unemployed and more than 15 per cent are in poor health. Poverty is felt most acutely in rural communities, especially by women.

In BiH, as in most of the former Yugoslavia, small individual or family plots of agricultural land were allowed to remain in the possession of the family during the socialist period, with the rights defined as use or possessory rights, not ownership. All urban land was nationalized. During the transition to a market economy in BiH, property restitution has been intimately connected to the right of return of refugees displaced by the war, as outlined in Annex 7 of the Dayton Peace Accords. The Commission for Real Property Claims of Displaced Persons and Refugees is responsible for processing the property claims of displaced persons and refugees. By 2003, restitution was all but complete, with about 200,000 families rights restored.\(^6\)

An annex to the peace agreement establishing BiH prohibits gender-based discrimination as an integral part of the constitution. The operational environment with respect to gender is changing rapidly in BiH particularly in light of the attention accorded to gender in the Stability Pact and in the EU accession process. The Law on Gender Equality adopted at the State level (“Official Gazette of BiH”, No. 16/03) has the goal to promote and protect gender equality and guarantee equal opportunities to all citizens and prevent discrimination based on sex. To monitor implementation of this law, a Gender Agency was established in February 2004 within the state Ministry for Human Rights and Refugees.

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\(^6\) Rhodri C. Williams, Post-Conflict Property Restitution in Bosnia: Balancing Reparations and Durable Solutions in the Aftermath of Displacement, TESEV International Symposium on “Internal Displacement in Turkey and Abroad,” Istanbul, Turkey, 5 December 2006.
The Gender Center of the Federation of Bosnia and Herzegovina (Federation) and the Gender Center of Republika Srpska (RS) were both established in 2000. The objective of the Gender Centers is to promote gender equity and equality, and to implement gender equality principles contained in international conventions and agreements.

The new Family Law provides the legal framework to encourage married women to register themselves as co-owners of property acquired through marriage. Representatives of the Gender Centers have a strong will to raise awareness in terms of access to property and ownership rights, but both Centers are understaffed. Even though it is stipulated that the role of the Gender Centers is to advise the government and provide technical assistance for new projects, representatives from the Gender Center stated that they were unaware of the scope and the existence of the World Bank financed Land Registration Project.

While women’s property rights are legally protected, tradition frequently favors male inheritance of property, and men tend to play the lead role. According to the Social Analysis prepared for the Land Registration Project in 2005, ownership of property is traditionally registered to male family members. Another custom is for sisters to waive the right to their share of property inherited from parents for the benefit of their brothers. As a post-conflict country, female-headed households have become more common but there is no indication that this increase in female-headed households is leading to an increase in registration of women’s property rights. Unfortunately, no gender disaggregated data on property ownership are available.

In terms of access to credit, women and men are equal in the eyes of the law. However, mortgages are possible only if there is collateral; in order to get a loan, an individual needs to own property in his/her name. Therefore, lack of access to property rights and registered ownership is an impediment to access to credit.

The Land Registration Project in BiH became effective in 2006 and the social assessment undertaken during project preparation identified gender as an issue. The project design included a number of activities to address the gender disparities including targeted public awareness campaigns, training for land agency staff, and further gender analysis. Unfortunately, none of these recommendations have been fully implemented, as other more immediate issues have taken the attention of project staff. There are no gender specific indicators and no gender disaggregated data regularly available. Again, as in Albania, the reality is well behind the intention of the laws and structures set up in BiH to better support gender equality.

Montenegro

Montenegro officially declared independence on June 3, 2006. The Government of Montenegro (GOM) has made European Union (EU) accession a central priority for Montenegro’s future; Montenegro signed the Stabilization and Association Agreement
with the European Commission in March 2007 and was granted candidate status in December 2010.

According to the Montenegrin statistical agency, in 2009, 6.8 percent of the population was poor, and 33 percent was economically vulnerable. Women head fewer than 10 percent of households, but are more likely to be poor than their male counterparts. The female unemployment rate ranges from 25-40 percent; and all studies agree that female unemployment rates are 10-20 percent higher than those for men. The female poverty headcount ratio is 6.97, which is similar to the headcount ratio for males of 6.71. However, the poverty headcount ratio by sex of head of household differs more significantly; the female-headed household poverty headcount ratio is 7.06 as compared to 5.79 for male-headed households. Clearly, the incidence of poverty among female headed households is higher than for households with a male head.

As in BiH, small individual or family plots of agricultural land were allowed to remain in the possession of the family during the socialist period, with the rights defined as use or possessory rights, not ownership. All urban land was nationalized. Restitution in Montenegro began in 2004. The restitution policy in Montenegro is restitution in kind when possible, and cash compensation or substitution of other state land when physical return is not possible. The real estate cadastre – bringing together records on parcel location and ownership rights – is completed for more than half of the country and has focused on the most economically viable areas (coastline and Podgorica).

The Constitution of Montenegro guarantees the right to property and inheritance, as well as entrepreneurship. All freedoms and rights are based on the principle of equality between men and women. In 2002, the Government of Montenegro established a Gender Equality Office that directly reports to the Prime Minister. The Office prepared a Law on Gender Equality which was passed in 2007 and provides for gender equality and elimination of discrimination based on sex.

The Gender Equality Office has good coordination with all the line Ministries. There have been efforts to appoint gender focal points within local governments. Government ministries and bodies have started reviewing documents from a gender equality perspective. Women remain well represented at working and middle management levels in the public administration.

Implementation of the Action Plan for Gender Equality (2008-2012) has begun. The Action Plan aims to ensure that gender issues are incorporated in everything from education, health, employment and entrepreneurship, to domestic violence and human trafficking. The plan also includes a special emphasis on rural women, politics, media and culture. Within the Plan, under the Women Entrepreneurship clause, the goal is to change traditional access to property and ownership over property.

Overall, the Law on Gender Equality has yet to result in mainstreaming gender equality policy in parliament, ministries and across the public administration. It is necessary to

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7 Kenneth Simler, Montenegro HBS
continue improving protection against and raising awareness of gender-based discrimination. The Gender Equality Office conducted a survey on Gender in 2009. Among the results, 50 percent of the owners of a house are men, only 8 percent of the owners are women. Similar proportions are reported for other ownership types (agricultural machinery: 6 percent owned by men vs. 1 percent by women; business premises: 4 percent owned by men vs. less than 1 percent by women).

According to the Director of the Gender Equality Office, there is a high correlation between education and ownership rights in Montenegro. The more educated the women are, the more likely they are to own property. The women participating in the focus groups reflected this reality. When women are better educated, they have more information and become more willing to seek property that belongs to them by law.

Regarding access to credit, the information is extremely limited. The laws are gender neutral and both men and women have the same rights to access credit and use property as collateral. However, there is no gender disaggregated date available in order to provide a profile of who is requesting and receiving credit. This issue is one that requires more investigation and analysis.

The Bank-financed Land Administration and Management Project became effective in 2009. The project preparation did include a social assessment but the focus of the SA was on the project’s planning component and illegal construction. There are no gender indicators but gender disaggregated data is now available from the new computerized registration system. In 2010 the first customer survey was completed and included some gender disaggregated data. The majority of respondents were men (81.6 percent), who were the ‘head of the household.’ The gender disaggregated data available pertains to the satisfaction with the services. Men and women rated many service categories approximately equal; and in general, women were more satisfied. Women were slightly less satisfied than men with the ability to get information while the case was in progress.

**Overall Findings**

Other studies have shown that there is a close correlation between owning property and economic empowerment. To achieve economic empowerment for women, it is fundamental that women have open and transparent access to land and real estate.

The main finding of this assessment is that there are no formal impediments to women acquiring property in their own right – for example, there is no legal requirement for them to have the approval or signature of a male relative for the purchase or lease of property. In practice however, property that is purchased within a marriage is often recorded only in the husband’s name because that is the traditional approach.

The customary legal framework in relation to gender and land rights in Albania, Bosnia and Montenegro stands in strong contrast to the formal laws. Customary law remains to some extent, an integral part of the three societies, especially when it has to do with issues of personal or family law. In Albania, as well as in Bosnia and Montenegro, many
of the customary practices have their roots in customary laws dating back to the 16th century. Stronger vestiges of this body of customary law are to be found to a larger extent where the State was or has been weak. Certain aspects of this customary law are incompatible with current legislation, especially as regards basic recognition of gender equality, women’s access to property and custody of children. The traditional system exists more strongly in rural areas, but in both the urban and rural areas, women tend to give up their entitlements to male relatives, including cousins, uncles or fathers if they have no brothers. A wife generally does not have her rights recorded in the formal system, so her husband is noted as the sole owner.

Perhaps the most important findings of the assessment are:

- Improving women’s access to land and property will not happen by itself; projects and governments must be pro-active in educating women about their rights and educating land agencies about their responsibilities to improve gender outcomes.

- Gender-disaggregated data is needed to track the long term impacts of such programs on women’s access to land and property, and access to credit.

- Governments – and the Bank as a financier – must take an active approach.

The following specific recommendations apply to all land projects in the region:

1. **Raise awareness and educate women on their rights to land and property.** Specific sessions can be designed for women, and women-specific awareness campaigns can be conducted (such as posters featuring women registering their property) as well campaigns explaining the law with regards to women’s land rights. Such an outreach campaign should operate widely and should include messages tailored to women’s needs and concerns. The modes of delivery of the campaign should also be tailored to the needs and concerns of women. This requires clearly stating such objectives in the terms of reference for the design of the campaign and identifying women as a separate target group. Messages and modes of delivery should be tested on women focus groups as needed.

   But it is equally important to educate men – about their rights and responsibilities as property holders and the rights of their wives, sisters and daughters. Husbands may be willing to put their wives’ name on the title if they understand why it is important; and fathers may want their daughters to inherit and may leave explicit instructions or may even choose to gift property to their daughters while still alive.

2. If systematic registration is used in the project, this is a good opportunity to include all properties and all owners, including spouses. But the contractors and staff involved in systematic registration must be trained on how to be inclusive:

   - Awareness raising and data gathering activities should be conducted in an open environment in the field and staff should visit all properties to obtain information;
   - Community meetings on the systematic registration should be held at different times and in different locations that are comfortable for women to attend. These plans should take into consideration women’s roles and responsibilities;
• When staff visit the property they should politely ask for both the husband and wife to be present for the discussion on property rights;
• Local persons with knowledge of the community should be involved and women’s organizations, NGOs, etc;
• Staff and contractors should be well trained and experienced. Preferably, at least one staff should be a woman; and
• The public display period should be well publicized with a staff member available to explain the results to interested parties. This staff member should be trained to be gender sensitive or preferably be a woman.

3. Training should be conducted for both government staff and land market professionals (notaries, surveyors, lawyers). Both groups should be trained to identify all rights over the land, not just ownership, and how to identify the different rights holders. Government staff should be trained to discuss with all owners and occupiers regarding their rights. If there is a suggestion of influence over one owner, an interview with that person should conducted separately. In order to successfully implement higher gender sensitivity, it would be necessary to:
• Prepare a manual that incorporates guidelines in the working manuals for initial registration that promote gender equity and protects and promotes women’s rights. Perhaps most important will be that the registration officer makes a thorough investigation of the rights of other people. Specifically, the guidelines should ensure that appropriate questions are considered prior to registration, such as:
  – who are all the owners of the property (other than the applicant);
  – is the applicant married, and if so where is the applicant’s spouse;
  – was the property inherited, and if so, is there a surviving parent or an agreement amongst the heirs to divide the property;
• In terms of the materials used to record ownership, the application form 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. The form should therefore have room for more than one name, and specifically have space for the husband and wife.

4. For greater protection of women’s property rights, it is also recommended to provide legal assistance (free or reduced wherever possible), with a special focus on women’s rights. In addition, other bodies associated with the promotion or protection of women’s property rights could be engaged to promote gender initiatives during any specific land titling campaign, including fielding a woman’s advocate who would work with the registration staff on behalf of women, and also help women to deal with the process.
• provide women specific or women only information sessions, advice facilities or “hotline” telephone information service, serviced by staff specially trained in issues and responses to women’s property concerns; and,
• have a dedicated person for women to contact to discuss their concerns and to obtain advice.
5. Often women are burdened with other family responsibilities (childcare, elder care) or may have difficulties visiting offices in central cities. It may be necessary in some cases to do more to bring the cadastre and registry services to women. Legal literacy is also an issue, especially for older and rural women. Recommendations include:

- introduce special times of the day or extended hours for dealing with women’s applications that recognize women’s dual roles in the workplace and the home;
- operate outreach services or offices, for women who cannot travel long distances to the registry office (possibly once per fortnight or month, depending on demand);
- provide administrative help in completing the forms, with specially trained staff to visit rural areas and provide services directly to clients. This would reduce the problem of lack of means or opportunity for women to leave their homes to attend to property matters;
- ensure information on rights, obligations, resources and other material promoting and protecting women’s property rights is publicly available in all registration offices and in minority languages;
- offer a women’s hotline;
- create professional links between the land administration agencies and NGOs or other groups or professionals who can assist women.

6. To achieve women’s economic empowerment it is fundamental that women have open and transparent access to land and property. Because women do not own land and property, own less property, or do not have their name on joint titles, it is difficult for them to obtain loans to start up a business. These barriers are often exacerbated among vulnerable women including Roma, those who are poor, women who live in rural areas, and those who come from religious or national backgrounds that have very traditional beliefs about the roles of women.

It is necessary that programs focusing on entrepreneurship are made available specifically to women. Such programs will need to include innovative ways to advance credit to women who do not own land to offer as collateral. Some of the NGOs representatives interviewed for this assessment said that it would be worthwhile to establish a guarantee fund, granting women better terms on loans, allowing other forms of collateral, lending to collectives, etc. In addition, if a husband and wife participate together in any program designed to start-up or expand a micro-business or SME, it should be mandatory that both of their names appear on any titles of ownership or other documents and that methods are created to insure that proceeds from the business are shared. Women’s business associations should also be supported if these are lacking or women entrepreneurs should be encouraged to join existing cross-sector business associations.

While this study did seek to investigate women’s access to credit, as well as access to land and property, the lack of gender disaggregated data on access to credit made this almost impossible. More study on this topic is needed to understand the larger constraints and provide specific recommendations.
7. If the Bank is serious about improving gender outcomes of land projects, then more should be done during preparation and implementation to understand women’s land issues, incorporate these issues into project design, and monitor the outcomes. This assessment and other work (Agriculture and Gender Sourcebook) on the topic suggest the construction of a more specific set of tools and questions that can be used to inform and contribute to better project design, implementation, and monitoring. These efforts also begin to suggest ways in which we can improve the sequencing of interventions and use impact assessment tools to determine how projects impact men and women differently and how men and women need to be addressed differently within the universe of potential property rights issues and interventions.

During implementation user groups that include women and women’s organizations can ensure that their voice is heard throughout the life of the project and beyond. These user groups can be used to test gender specific messages for awareness and education campaigns and to understand new or persistent gender biases and issues. Women’s NGOs and user groups can help monitor the implementation and impact of land projects on women and their property rights.

The World Bank’s Gender Issues and Best Practices in Land Administration Projects Report makes a number of important and specific points on monitoring and evaluation of gender issues. Proper baseline data and continuous monitoring during the life of a land administration project are essential if the project is to be judged on gender-related criteria.

8. Gender-specific indicators should be developed during project preparation to measure the program’s differential impact on men’s and women’s land rights; and these indicators should be monitored regularly during implementation:

- at the project level, information on project participation and benefits should be disaggregated by gender, including such things as personnel statistics, attendance at public information and training sessions, as well as issuance of legal title.
- at the community level, key informant interviews and focus groups of beneficiaries designed along the lines recommended for the social assessment can provide qualitative feedback to project managers regarding the perception of project impact and male and female beneficiary satisfaction.
- there should be at least one mid-term and one project-completion household sample survey to track gender-specific changes against the baseline data. If designed properly, such surveys can permit the quantitative assessment of the impact of land policy reform and land tenure regularization on women’s economic opportunities and intra-household bargaining power.

9. Government officials are often desensitized to gender issues. Advocating for gender issues in these countries can be a lonely and frustrating experience. Most of those who were interviewees agreed that aside from the specific gender equality departments and offices, the majority of other politicians and the public do not see gender as an important issue; gender is seen as a “women’s” issue that is addressed only under pressure and in the presence of a surplus of resources.
It is important to reinforce gender in interactions with key government officials. The countries of Southeastern Europe are focused on EU accession and accordingly, attend to issues that are deemed important to this effort. In cases where the various donors (including USAID) and international organizations present a unified front in highlighting a key gender issue (e.g., family violence), the governments are more likely to take the issue seriously and to take action.

It is also relevant and important to think about if and how gender should be incorporated broadly within Country Partnership Strategies (CPA) as a way of encouraging projects to do so. Monitorable gender indicators within the CPS would encourage attention to this issue in individual projects. No society can afford to leave behind 50% of its population in such key sectors as land and property rights.
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