



SHELTER REPORT ²⁰/₁₆

Level the Field: *Ending Gender Inequality in Land Rights*



**SOLID
GROUND**



Cover:

Background photo: The rural area around Mapoteng, Lesotho, features breathtaking views of mountains and valleys.

Photo courtesy of Habitat for Humanity's Europe, Middle East and Africa office

Inset photo: Ramji and Purna Pariyar in front of the home that they helped build during Habitat for Humanity Nepal's Everest Big Build in 2010.

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The background of the entire page is a photograph of a vast, mountainous landscape. In the foreground, there are green, terraced fields and a prominent, jagged rock formation. The middle ground shows more terraced fields and a winding path. The background features rolling hills and mountains under a hazy, overcast sky. The overall tone is muted and atmospheric.

Shelter Report 2016

**LEVEL THE FIELD:
ENDING GENDER INEQUALITY IN LAND RIGHTS**

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Habitat for Humanity International is a nonprofit, ecumenical Christian housing ministry that seeks to eliminate poverty housing from the world and to make decent shelter a matter of conscience and action.

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Foreword

Land tenure is one of the great challenges Habitat for Humanity faces in helping families access decent housing. Countless families around the world lack rights to the land on which they live. Just imagine the stress of knowing that any day you might be forced to move because someone else claims ownership of the place you call home.

For instance, Mamolelekeng Nkoebele, an 82-year-old woman in Lesotho, was single-handedly raising five orphaned great-grandchildren when the land they had occupied for years transferred ownership. With a new owner and no legal claim to the land, Nkoebele and her family lived in constant fear of eviction.

Recognizing that lack of secure property rights acts as a major barrier to decent housing, Habitat for Humanity Lesotho worked alongside community leaders to allocate land and grant tenure rights to families like Nkoebele and her great-grandchildren. Once Nkoebele had the legal right to occupy the land on which she lived, she was able to embark on the pathway to decent housing, eventually becoming the proud owner of a new home.

The security of property rights is a crosscutting issue that impacts all areas of Habitat's work. Whether addressing the needs of displaced people as a result of disaster or conflict, providing water and sanitation, working in informal settlements, or facilitating access to microfinance for incremental housing, Habitat's work to provide decent shelter and create sustainable, stable, resilient communities can occur only if community residents have legal control of the land on which they live.

For that reason, Habitat cares deeply about ensuring access to secure property rights for everyone, especially women,

who are disproportionately affected by lack of secure tenure. We have seen how impactful women are on the lives of their children and communities, and we have witnessed firsthand how ensuring secure property rights for women reverberates through communities to provide far-reaching benefits.

Habitat is working side by side with women to increase their property rights in a number of ways, including offering microloans and education on land and inheritance rights. Advocacy concerning land tenure is a huge focus in our work around the world. From community decision-making bodies to national governments and international organizations, Habitat is working at all levels to change policies and systems. In early 2016, we will launch Solid Ground, a global advocacy campaign to increase access to land for shelter. A key component of the campaign includes secure property rights for women.

In this report, we examine how secure tenure impacts women, specifically in reference to housing. We identify solutions and best practices and provide recommendations for advocates and policymakers alike.

Increasing property rights for women is a crucial first step toward ending poverty housing. I hope you will join me in advocating for more secure tenure on behalf of all women around the world in need of decent shelter.

In partnership,

A handwritten signature in black ink, which appears to read "Jonathan Reckford".

Jonathan T.M. Reckford
CEO, Habitat for Humanity International



Falcia Yavira is a widow living with five children in the neighborhood called District 9 in Cochabamba, Bolivia. She attends Habitat for Humanity's advanced women leaders school and has nearly finished the course.

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Introduction

Falcia Yavira is a mother in Bolivia. She and her five children live in Cochabamba, a city known as “City of Eternal Spring” for its year-round mild temperatures. Bolivia is one of the poorest countries in South America; more than half of the national population lives below the poverty line. Yavira’s small house has one bedroom, one storage room and an outdoor kitchen. When Yavira’s husband passed away, she and her five children were at risk of losing their home simply because Yavira’s name was not listed on the property title. Without her name listed, she had no legal claim to the land.

Unfortunately, Yavira’s case is not unique. In Bolivia, one-fifth of families are headed by women,¹ yet, until recently, Bolivian law treated men and women differently, requiring only the man’s name to be listed on the property title. If a man died or left his wife or partner, she could find herself with no home and no recourse. This discriminatory policy left thousands of women-headed Bolivian families without the legal right to their land and living in fear of eviction.

Fortunately for her children, Yavira was not afraid to use her voice to call for change. She joined the Women’s Network for Secure Land Tenure, an advocacy group in Cochabamba that was formed with the support of Habitat for Humanity Bolivia and UKAID, the United Kingdom’s Department for International Development. In 2012, Yavira and 29 other women in the network traveled to La Paz, the capital of Bolivia, to meet with government officials and advocate for fairer laws.

As a result of their work, several changes were made to Bolivian property law, including a provision that now states that property must be registered in the names of both spouses. This seemingly minor change in the law had monumental results; it was the first step to securing equitable land rights for every woman in Bolivia, including Yavira and her fellow advocates.

Outside of Bolivia, millions of women around the world still live without secure land rights and with a fear of eviction that affects their housing, safety, health, social status and other areas of their lives. For the majority of the world's women, secure tenure for land and property is still out of reach, because of either costs or laws and systems that prevent them from owning land in their own right. This report explores the importance of secure land tenure, including its particular impact on women, and provides policy recommendations that can improve land rights for women around the world. Although secure land rights affect many development issues, such as food security and natural resource management, this report focuses on the role of secure land rights in the context of housing.

Secure tenure, referred to in this report as secure land rights, means the ability to use and control the use of land. A property title or deed are among the most commonly known forms of tenure in developed nations, but secure land rights can come in a variety of forms, including informal and formal arrangements, individual and group solutions. These rights bring with them the freedom to live without fear of eviction or property theft.

Estimates show that at least 1 billion people in cities around the world lack secure land rights.ⁱⁱ

Land is foundational to building a decent home. Having rights and a secure claim to the land change the relationship to a property; with secure land rights, residents are better able and more willing to invest in home improvements. Improved housing can lead to more durable homes, less-crowded living conditions, and increased access to basic services such as water and sanitation.

Secure land rights also are closely tied to economic opportunity, social empowerment, and the health and well-being of individuals and the environment.

These rights are essential to all who have them but are critical for women, particularly in developing countries, where women lag significantly behind men in access to landownership. Despite the fact that women represent half the global population, produce the majority of the global food supply, and perform 60 to 80 percent of the agricultural work in developing countries, property laws and systems around the world are failing women when it comes to landownership.

Most rarely think of who controls the land beneath our feet, yet secure claims to land can be the difference between a healthy, safe path to opportunity and a life lived in fear and poverty.

Disparity of ownership

Available data on landownership differs greatly among countries. Despite the varying statistics, we know that globally, significantly more men than women own land.

Across 10 countries in Africa, only 12 percent of women, on average, report owning land individually, while 31 percent of men report owning land individually.

- Niger: 9 percent of documented land reported as owned by women. Sixty-two percent is owned by men, and 29 percent is owned jointly.
- Tanzania: 16 percent reported as owned by women individually, and 48 percent by men.
- Ethiopia: 15 percent of the documented land is owned solely by women, and 45 percent is owned by men alone.

Outside of Africa, a sampling of countries reveals similar patterns in the percentage of land owned solely by women:

- Peru: About 13 percent.
- Honduras: 14 percent.
- Nicaragua: 20 percent.
- Bangladesh: 23 percent.
- Haiti: 24 percent.

Source: Food and Agriculture Organization of the United Nations

1

Defining secure land rights

The terms “secure tenure,” “secure land rights” and “secure property rights” refer to the ability to use and control the use of land. Land tenure is the relationship between people — as individuals or groups — and land. This relationship may be defined legally, customarily, informally or socially. The rules of tenure determine who can use what property, for how long, and under what conditions. Those rules might be based on written policies and laws, and on unwritten customs and practices.

Secure land rights can apply to a variety of arrangements, including formal ownership, leasehold, formal and informal

rental arrangements, community land trusts, customary access or use of land, collective adverse possession, owner occupation, informal settlements, and emergency housing.

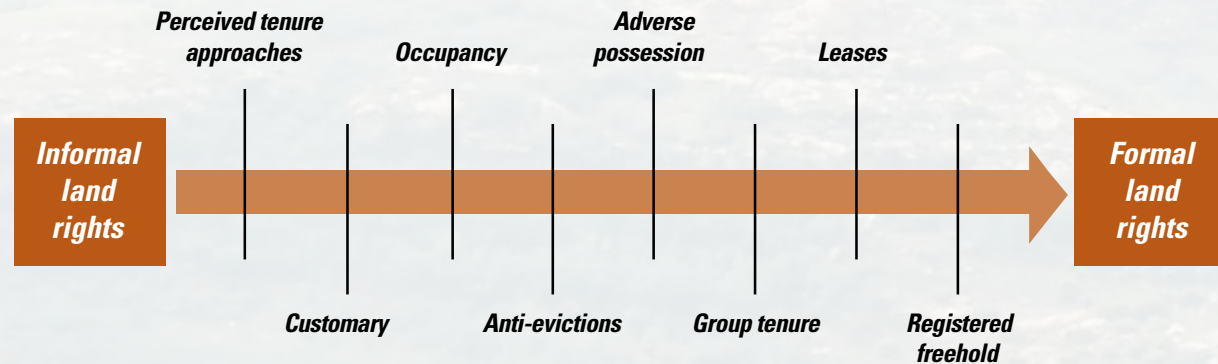
Beyond individual plots, land use regulations and planning, land development and management all play important roles in determining how effectively land is governed and administered.

In many countries, no formal land administration system or framework is widely available. In fact, only 25 to 30 countries in the world have a formal land system that provides nationwide

coverage.ⁱⁱⁱ Most developing countries have less than 30 percent coverage of a formal system.^{iv} Where full coverage of a formal, legal system does not exist, secure land rights exist in many forms along a continuum ranging from group to individual solutions and from formal, legal tenure to informal social tenure — a recognition by the community to one’s right to use and control property.

Land Rights Continuum

Even when a formal registration and administration system is in place, the process of establishing a right to land can be complicated with numerous steps,



Land Rights Continuum^v



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The School of Women Leaders for Secure Tenure in Cochabamba, Bolivia, has been operating since 2010. Men recently started to attend.

From informal to formal in Buenos Aires

In many poor neighborhoods in Buenos Aires, Argentina, the rental stock is dilapidated and the number of families living in informal or “squatter” conditions is growing. Discriminatory practices and prohibitory legal requirements keep families out of homeownership and fair rental opportunities and push them instead into informal rental arrangements where they pay high rental fees to share facilities in hazardous and unhealthy buildings.

To help these families transition from the informal to the formal rental market, Habitat for Humanity Argentina began a fair rental program under which it purchases land and constructs buildings of rental housing controlled by Habitat. This program prohibits the exclusionary practices used elsewhere in Buenos Aires, including discrimination against immigrants and a reluctance to rent units to single women with young children. The program also includes a skills training component and instructs families on how to build their savings while also building a successful rental history in order to successfully transition out of the program and into long-term housing solutions.

The city of Buenos Aires has recognized this Habitat model and in 2014 contracted Habitat to facilitate a new “Social Rental” program financed by the government for 100 families.

Benefits of secure land rights

Secure land rights can provide people with:

- A legal right to the use and control of property and the opportunity to be full citizens with rights and responsibilities.
- The ability to qualify for and acquire municipal services and infrastructure.
- A social and economic base to consolidate and improve their livelihoods.
- The ability to buy and sell their ownership or user rights.
- The opportunity to invest in their property with greater assurance that they will enjoy any return on that investment.
- The option to use their ownership rights as collateral for business or investment purposes.

lengthy delays or high fees. According to the World Bank, in Sub-Saharan Africa, six procedures are required on average, the process takes 57 days, and the average cost is 9 percent of the property's value.^{vi, vii} In East Asia and the Pacific, five procedures are required on average, and the process takes 78 days at a cost of 5 percent of the property's value.^{viii} In some countries, the cost of registration alone may be prohibitive. In Cameroon, the cost of registration is 19 percent of the cost of the property. In the Republic of the Congo, it is 20 percent. In other places, the number of procedures or time may severely discourage or prevent registration. In Liberia, 10 steps are required to formalize landownership, while in Nigeria it takes 12 steps. In Haiti, the average time to properly register land is 312 days.^{ix}

Women, who generally have fewer financial resources and more limitations on their time because of child care and household work, and are often unable to travel because of safety concerns or other reasons, are particularly affected by these lengthy and expensive processes.

Because of high costs, lengthy delays or the lack of a formal system, many households in the developing world are forced to operate instead in complex informal land use and ownership arrangements, making them vulnerable to displacement, evictions, and loss of livelihoods and property, and unable to gain any of the social and economic benefits associated with security of tenure. Furthermore, conventional land administration systems are unable or not designed to account for social, customary or informal relationships with land, widening the divide between informal and formal land rights or ownership.

Fortunately, where a country's laws do not provide formal land rights, options exist to provide households, including women-headed households, with the security they need to invest in their homes and develop lasting ties to their communities. Where a strong informal or customary system is already present, a move to formal, recognized, legal rights can occur. In other situations, an incremental strategy that first focuses on increasing the perception of secure land rights and moves slowly toward legal

rights can be effective. As secure land rights increase, both in perception and in reality, households are able to gradually feel more confident in the security of their homes. That feeling is more than simply peace of mind; it translates into action, including investment in homes, communities and families.

The overarching nature of secure land rights presents a substantial opportunity: Strengthen and enforce secure rights to land, and help achieve myriad other development goals.^x ■



Houses cover the hillsides of Port-au-Prince, Haiti, five years after a devastating earthquake struck the country in January 2010.

2

Impact on women

While the lack of secure land rights affects a huge swath of people in the developing world — male and female, adult and child, across geographic regions — in sheer numbers, more women are affected than men. This inequality is often due to formal and informal systems that prefer male over female ownership, such as paternal inheritance systems, antiquated rules that allow only husbands to own land, or other social and customary practices. The negative impact of unrecognized and insecure claims to land and property is then amplified by gender-specific challenges, as addressed further below.

Even where women do have access to secure land rights, those rights tend to be more limited and of poorer quality than the rights enjoyed by men, and women may lack equal access to credit, financial services and other resources.

The lack of secure land rights for women must be addressed by more awareness-raising, advocacy for good public policies, and attention from policymakers in countries around the world. Recommendations at the end of this report provide

guidance to those advocating for and implementing smart solutions.

Housing

Secure land rights are the bedrock of adequate housing. Although improving tenure security alone does not necessarily improve housing, having a secure claim and right to land is a necessary first step to adequate housing, and housing affects all areas of one's life. Housing conditions play a huge role in determining other measures of well-being, such as health, income, education and safety. In many countries, a fear that one's home may be abruptly taken is the biggest barrier to making improvements in housing. Feeling secure in one's home has direct and indirect benefits; secure tenure enables residents to make physical investments in housing that they would not make when living in fear of eviction. Decent and secure housing can spark a positive cycle of benefits by providing occupants with a healthier living environment, encouraging better adherence to preventive and medical care, and leading to improved well-being, particularly for women.

Unstable or poor-quality housing, a frequent result of insecure land rights, can lead to a number of health problems, many of which can be severe. Poor housing places occupants at higher risk for chronic and infectious diseases and premature death. Human health can suffer in inadequate housing for a number of reasons, including the physical condition of the housing, lack of access to doctors, lack of adherence to medication and medical appointments, exposure to disease, and lack of basic services such as clean water, sanitation and hygiene.

Beyond individual households, entire neighborhoods reap the benefits of secure land rights and adequate housing. Residential land use occupies between 65 and 75 percent of the surface area of a city and can be a critical driver of a country's economic growth, stability, resiliency and social development.^{xi} When individuals see improvements in factors such as health and economic well-being as a result of improvements in housing, their neighbors also benefit. Individuals are more willing to make physical and emotional investments in their communities when they are living without fear of eviction and with



A BETTER WORLD

STRENGTHENING WOMEN'S LAND RIGHTS

PROSPEROUS

Women with strong property and inheritance rights earn up to **3.8 times more income**



NOURISHED

Children whose mothers own land are up to **33% less likely to be severely underweight**



EDUCATED

Families where women own more land devote **more of their budget to education**



SAFER

Women who own land are up to **8 times less likely to experience domestic violence**



RESILIENT

Where women's property and inheritance rights are stronger, women's **individual savings are up to 35 percent greater**



HEALTHY

Children in households where women own land are up to **10% less likely to be sick**



PROSPEROUS and RESILIENT data points: Peterman, A. (2011). Women's Property Rights and Gendered Policies: Implications for Women's Long-term Welfare in Rural Tanzania. *The Journal of Development Studies*, 47(1), 1-30.

EDUCATED data point: Doss, C. (2006). The effects of Intrahousehold property ownership on expenditure patterns in Ghana. *Journal of African Economies*, 15(1), 149-180.

NOURISHED data point: Allendorf, K. (2007). Do Women's Land Rights Promote Empowerment and Child Health in Nepal? *World Development*, 35(1), 1975-1988. Chicago

SAFER data point: Agarwal, B., & Panda, P. (2007). India. Toward freedom from domestic violence: the neglected obvious. *Journal of Human Development*, 8(3), 359-388.

HEALTHY data point: Menon, N., van der Meulen Rodgers, Y., & Nguyen, H. (2014). Women's Land Rights and Children's Human Capital in Vietnam. *World Development*, 54, 18-31.

an increased sense of belonging and citizenship.

Public investments for housing development can, in turn, contribute to increased access to secure land rights for housing. Government provision of roads and infrastructure, electricity, improved water, sanitation and other services can create greater perceptions and pursuit of secure land rights; consequently, upgrading basic services has mobilized extensive housing investment. Housing quality increases when it is properly serviced by infrastructure networks, mobile services and public facilities, and when there is access to jobs and markets through an efficient transport system.^{xii} It is crucial to ensure that these public investments take into consideration the needs and concerns of women and that their voices are represented in the planning and decision-making on these investments.

Economic and social empowerment

For individual women, control over land is the most stable means of economic and social empowerment. When women have

secure land rights, they have greater opportunities to get and keep jobs, start or grow home-based businesses, and invest or save money, while also having a greater say in how household income is spent. When women are invested in a community, they increase their social participation and enjoy a greater influence over community decisions.

Economic empowerment

Without access to secure land rights, a woman's economic survival is less certain. The daily realities of insecure tenure may make it difficult to hold a job in the formal sector. For example, many households with insecure tenure are unable to leave their property unattended during the day for fear that the housing might be taken from them through forcible eviction or property theft. To protect against this, women are often compelled to stay home to watch over the house, limiting their ability to work outside of the home. Research has shown that when women have secure rights to land, they enjoy an increased ability to travel to the market, health center and places outside of the community, including a job outside the home.^{xiii}

Many women in developing countries who are unable to find work in the formal sector will turn to the informal sector for their livelihoods. Self-employment and microenterprises are usually home-based, making secure land rights even more important. There are a number of informal business roles performed by women in their homes, such as a home-based cook, seamstress, hair stylist or product supplier. Women not only feel more confident in investing in a home-based business when they do not fear their home will be taken from them, but also may free up their time from the demands that come with insecure housing. Even for women who work outside the home, the house may serve as a storage or processing location for their products. In all of these cases, the home is a productive asset, serving to strengthen a woman's economic position.^{xiv}

Secure land rights increase the ability to access credit and build assets, thus increasing household wealth. Secure land rights also open up informal and formal credit markets to women. Credit from financial institutions, nongovernmental institutions (including microlenders),



HHH Cambodia

Above, Ngin Savun works on a busy morning in the noodle shop in front of her home. At right, Savun stands with her daughter Chaorn Kimheng (from left), her sister Ngin Kimhak and a neighbor in front of the noodle shop.

Securing land rights in Cambodia

Ngin Savun, an army retiree and mother of three, lives in Makara Village in Battambang, Cambodia. In 2006, Savun bought a small corner plot of land for US\$1,800 and built a small brick and wood home for her family. The house did not have access to the municipal water or sanitation system and was not well-constructed. During the rainy season, the house would flood, with water often rising above Savun's knees. Like many others in the area, Savun did not have a secure title to the property and was always fearful that the land might be taken away from her.

In 2008, Savun heard about the Social Land Concession Project, a collaboration between Habitat for Humanity Cambodia and the Battambang government, and began to attend all of the project's community meetings. That same year, with Habitat Cambodia's help, Savun began the application process to obtain a proper certificate for her land.

"Before Habitat came, I was hopeless about the land," Savun said. "When they came with the [Social Land Concession] Project, I could not believe that I would have the chance to keep my land secure."

In 2012, Savun received the certificate for her land and used her savings to begin construction on a new home. Having the land

certificate also meant that she could obtain a US\$2,500 loan from Habitat Cambodia's micro-finance institution partner, CBIRD, to complete the construction.

"I am no longer afraid," she said. "It is such a warm feeling to live in a secure home. My new house is always secure, and there is no flooding."

Savun started a noodle shop in front of her new home, and now serves a steady stream of customers each morning with the help of her older sister Ngin Kimhak. Savun uses the income from her noodle shop and her army retirement income to pay off the 36-month loan.

Now living with a steady economic income and without fear of eviction, Savun looks to a positive future for her children and encourages them to pursue their profession of choice. Her 13-year-old daughter, Chaorn Kimheng, aspires to become a Khmer language teacher at a nearby children's school.

Reflecting with pride on how far she has come since living in her old house, Savun said, "Looking back now, I never thought I would get this land and be secure here. I have been able to improve our lives so much with help from Habitat Cambodia because of this project, starting my business and by getting the loan to build the house."

and private sources is more available to women who can use their land or housing as collateral to support a loan. A recent survey of microfinance institutions found that 50 percent of respondents require a land title for their housing loans, and nearly half of the institutions said less than 25 percent of their borrowers could produce such a title.^{xv}

Finally, secure land rights, particularly ownership rights, give women an avenue to wealth savings that is extremely difficult or nonexistent for most non-landowners. Owning a home provides an asset that can be collateral for loans and also can be sold or liquefied as necessary. Landownership also gives a woman the ability to pass along the asset to her children and create an inheritance for her family.

Social empowerment

Secure land rights are also socially and politically empowering for women. Women with land are better able to challenge their traditionally subordinate position in the community and households as their negotiating power increases. Landownership in particular has been found to dras-

tically influence a woman's ability to be heard when she voices her opinion. Further, secure landownership increases the likelihood that she will engage politically and become more involved in community decision-making. There are a number of areas where women's voices are strengthened, as evidenced by an increase in community status, political power, and decision-making within households.

Women with secure land rights may be empowered to participate more effectively in community-level organizations, making those institutions more likely to respond to matters that affect women. Accessing land rights also helps women access identification cards and other documentation that can allow them to exercise their full citizenship rights.

Women's decision-making has a positive impact when women are the sole owners of land and also when they co-own land with a partner or spouse. As discussed later in the chapter, research has shown co-ownership of land results in a positive impact on women's decision-making on issues ranging from agriculture decisions to minor and major household purchases to children's education.^{xvi}

Health and well-being

When women have secure land rights, their ability to invest in their own health and that of their children increases. Women also are able to improve their safety and reduce their risk of domestic and gender-based violence.

HIV/AIDS

The high rate and chronic nature of HIV/AIDS make this disease a particular challenge for many developing countries, where the links between women, HIV/AIDS and land rights have become incontrovertibly clear. Women who have control over land and other assets can avoid relationships that threaten them with HIV and are better able to manage the impact of HIV/AIDS if infected.^{xvii}

Women who have control of economic assets, including access to property and inheritance rights, have fewer pressures in choosing a partner and are financially able to leave abusive or unhealthy relationships. Women also are in a better position to advocate for safer sex practices within relationships. One study from South Africa showed that women who are able to acquire their own property

A remarkable woman

Mamolelekeng Nkoebele is a remarkable woman. What makes her different? She's 82, and she's single-handedly raising five orphaned great-grandchildren.

Nkoebele lives in Teyateyaneng — commonly called TY — about 40 kilometers from Lesotho's capital, Maseru. Like 68 percent of Lesotho's population, she lives in a household defined as “poor,” meaning that Nkoebele cannot feed, clothe and educate her family.

“We used to live in a shack with holes in the roof,” Nkoebele said. “When it rained, we put buckets around to collect the water. The three boys slept in one bed. There were four of us on the floor. We were packed like sardines. We didn't have a choice.”

Poverty runs deep in Lesotho, with about 40 percent of the 2 million inhabitants living below the international poverty line of US\$1.25 a day. Being orphaned and poor is even worse. Orphans and vulnerable children often live in unhealthy conditions, are exposed to abuse, and struggle to access education and basic services. That's why Nkoebele took her great-grandchildren in when their parents died.

Initially, Nkoebele got by. A generous landowner allowed them to live in a shack for free. “It was open to both the elements and intruders,” she said. “It was our home. Still, someone had to be home at all times to guard our possessions.”

But even that limited level of security changed when their landlord decided to sell the land. The new owner wanted to evict them.

“With the impending change in ownership, we felt constantly threatened.”

Since 2007, Habitat for Humanity Lesotho and community leaders have worked together to change this reality. They have identified orphaned and vulnerable children and their families who desperately need help.

If, like the Nkoebeles, a family does not have their own land, the community allocates land and gives the family tenure rights. After this, Habitat Lesotho procures material and engages a builder to build a simple yet durable two-roomed house.

“I used to ask myself daily what would happen to the kids if I die and leave them in our old shack,” Nkoebele said. “After we moved into our new home, I wanted to make sure they were safe. I wanted a solid wooden door with a lock. Here, we can lock the door so we aren't afraid that when we are out someone can come in and take our things. We're grateful to live like this, without the fear of not knowing where we are going next.”

The remarkable Mamolelekeng Nkoebele is happier now, with a new house, a cleaner and safer environment, and better opportunities for her great-grandchildren, who will have a secure place to live after she's gone. At 82, you would think she's resting easy. Not so — not with five children to look after.

have significantly greater odds of escaping abuse and partners who refuse condoms.^{xviii}

One of the most serious economic effects of HIV for women is the loss of property. Widows living with HIV are victimized at a higher rate by relatives attempting to take back family property. The laws in many countries with a high prevalence of HIV/AIDS give women little or no legal recourse. As a result, these women are left without a home.

Safety

Access to property is one of the most important factors in protecting women from domestic and gender-based violence.^{xix} When a woman's basic need for shelter will be met only if she is in a relationship, she is left vulnerable to abuse and exploitation. This situation can be exacerbated even further if a crisis strikes, whether HIV or disease, natural disaster, or conflict.^{xx}

Secure land rights can protect women from gender-based violence outside of the home. Globally, it is estimated that

up to 70 percent of women will face gender-based violence in their lifetimes, with the likelihood varying depending on where they live.^{xxi}

Women in developing countries are at great risk of violence for a number of reasons, including a lack of access to safe, private and easily accessible water and sanitation. Women who lack access to such sanitation options may resort to finding a remote and often unprotected and hidden place, often after dark, making them vulnerable to attack.^{xxii} Alternatively, women may travel a long distance to where sanitation facilities do exist, making themselves vulnerable by traveling away from their community or by traveling alone. Women who have secure tenure may have access to homes that include sanitation or may be able to improve their homes to include sanitation options inside. In addition, with better land rights, women can more effectively advocate for healthier sanitation facilities in their own homes and throughout their communities.

Studies have also shown that secure land rights enhance a woman's social position

and financial security while reducing a woman's tolerance of domestic violence. One study in Colombia found that women had more power to address domestic violence when they had a combination of social capital, access to child care that allowed them to work, and the ability to either purchase property or rent a home of their own.^{xxiii}

Another study from Kerala, India, showed that only 7 percent of women who own land and a house reported physical violence, and 16 percent reported psychological violence, compared with 49 percent of women without property reporting physical violence and 84 percent reporting psychological violence.^{xxiv} This study also highlighted that women who own land or property feel more empowered to stand up to violence. In Kerala, 71 percent of the women with property who did suffer violence left home, compared with only 19 percent of women without property.^{xxv} Such results show that access to land can impact women to their core. Though seemingly hard to measure, these studies suggest a strong correlation between land rights and a woman's self-worth.



Courtesy of Landesa



Hope grows on Anita's and Roopkumar's new microplot of land

Anita, a 25-year-old mother of three, grew up in India without schooling, without a home, without hope.

Her landless parents never had enough money to send her to school and married her off when she was 16. Though she desperately wanted her three daughters to get the education she was denied, she feared that circumstances would force her hand to make the same decision for her daughters.

Anita and her husband, Roopkumar, lived on land owned by a powerful local landlord. They worked in his fields in return for housing and a small daily wage. Despite their labors, the family never seemed to have enough money to meet even their most basic needs, and the landlord forbade them from working for other local landowners.

Last year, Anita and Roopkumar became the owners of a microplot — a tennis-court-sized plot of land for a home and garden — through a partnership between the state government of West Bengal and the global land rights nonprofit Landesa. Through this program, the West Bengali government provides the families with both the land and the legal rights to it. Over the past decade, hundreds of thousands of families have transformed their lives after gaining secure rights to microplots.

Anita and Roopkumar built a small hut on the plot, and Anita planted a kitchen garden that provides the family with fruits and vegetables. Anita's name is listed first on the land title, giving her a voice in her household and community. And she and her husband can now work for whomever they choose.

Anita now is determined to tap their extra income to support her daughters' schooling. "I have started nurturing so many dreams after getting this land," she said.



A women's support group meets at the office of Chetanalaya, a community development NGO that partners with Habitat in Bawana, India.

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Children

The positive impact that secure land rights have on women also affects their children's well-being.

Women's influence over household spending is increased by access to secure land rights. Women with land rights contribute a greater proportion of the household income and generally have a greater role in making household decisions. That influence benefits their children, because when women have access to or influence over a family's income, they are more likely to prioritize spending on the family and reduce poverty.^{xxvi}

By exercising greater control over the household budget, women are able to prioritize spending for food, health and education for their children. As a result, with increased land rights for women comes greater health for children.^{xxvii} The chance of a child being severely underweight is 50 percent lower if the mother owns the land.^{xxviii}

Children's ability to gain an education is also tied to women's ability to access property. When women in the household

have land rights, children have higher levels of educational attainment.^{xxix} The financial responsibilities of the children also decrease.^{xxx} For example, in Brazil, a country with over 5 million children between the ages of 5 and 17 working full time, the issuance of land titles through the "Papel Passado" program was shown to reduce the likelihood of child labor by 28 percent.^{xxxi}

Resilience

Secure land rights are particularly important for women to build resilience, and to survive and recover from a conflict or disaster. People living in the developing world are more susceptible to displacement than people in developed countries. Displacement can be difficult for anyone, but it is particularly devastating to those living in poverty, as they lack financial security or other resources to rebuild their lives in a new location.

Conflict

In post-conflict situations, where entire communities have been displaced, women's land rights are commonly violated

and abused. Among the results: refugee and returnee women are evicted from family homes after a divorce; women's land is sold or occupied by family members; women miss out on shelter when it is allocated to male heads of household; and returning widows are denied inherited land.

Even in areas with strong protections of equality and nondiscrimination, displaced women often struggle to assert their land rights. For many women, the only option for resolving property disputes may be customary or religious local authorities. Women may face consequences for claiming their land rights. They can be ostracized, ignored or even abandoned by their families if they try to claim their land.

Conflict and displacement can bring devastation and loss for women, but they also can provide opportunities to promote equality during recovery through the reform of land systems.^{xxxii}

Natural disasters

Natural disasters tend to disproportionately affect the poorest and most marginalized groups. Women, who have limited access to secure land rights to start with, can be particularly vulnerable. Lacking secure tenure, women may find it hard to make necessary investments in their homes to protect against natural disasters such as mudslides, flooding or droughts.^{xxxiii}

Women experience higher rates of death and injury in a natural disaster, and their livelihoods often are directly affected. Because women may spend more time in their home and may have home-based businesses, those living in poorly constructed housing can be severely set back by disasters that damage or destroy their homes.^{xxxiv}

Inheritance rights to land can be ignored in a post-disaster situation. Widowed women and orphans are especially vulnerable to losing land rights. In many countries, property is not jointly owned by husband and wife; when the husband dies, the property is inherited by a brother or eldest son. That happened after the

2005 earthquake in Pakistan even though women have the right to own property there. Custom was followed rather than law, and many women were left landless while male relatives inherited land and collected compensation from the relief program.^{xxxv}

To avoid future eviction or permanent displacement, unregistered residents may refuse to evacuate during disasters, risking their lives in the attempt to hold on to their land. Such was the case after the 2003 earthquake in Bam, Iran, when residents chose to remain on their property rather than move to emergency shelters and risk losing their homes.^{xxxvi}

After the 2004 tsunami in Sri Lanka, many homeless residents could not return to their original homes and land because of evictions, land grabs and other unfair land acquisitions.^{xxxvii} A no-build zone 100 meters from the coastline displaced thousands of low-income residents while exceptions were made for resorts and wealthy property developers.

Many groups are addressing the issues of land rights after a disaster. One example

is a land titling program in Indonesia that addressed women's land rights after the Indian Ocean tsunami. The Reconstruction of Aceh Land Administration System, or RALAS, project was created to recover and protect the landownership rights of the people in tsunami-affected areas and to rebuild the land administration system. The project included a community-driven adjudication process, along with community land mapping, community consensus boundaries and an inventory of landownership. The project supported the issuance of 222,628 land title certificates to tsunami disaster survivors, their heirs or adjoining landowners. Of those, 63,181 titles, about 28 percent were distributed to female owners, either individually or as joint owners with their spouses.^{xxxviii} ■

3

Solutions

Around the world, systemic issues, such as inadequate legal standards and the inequitable implementation of laws, combined with social stigma, political pressures, cultural attitudes and economic issues such as a lack of financial resources, result in women being denied their rights to and benefits of their land. Even where women have secure land rights, those rights tend to be more limited and of poorer quality than those of men, meaning women's ability to use their land for economic or social gain is limited.

Ensuring equal rights is not only a matter of gender equity; it's a matter of smart economic policy. When women have control over land, they deliver enormous social and economic benefits for their families and communities. Women drive economic development; they operate the majority of small businesses and farms in developing countries. Women are more likely to use assets, including income and land, for community and household well-being than for their own benefit. Women spend a higher percentage of their income than men do on food, medicine, education and other family needs. Land, when owned and controlled by women, ensures better family health and sustainable community development. When women are granted access to secure

tenure, other groups and sectors benefit. There are opportunities to increase access to secure land rights for women in informal and formal systems, through changing cultural and social norms, affecting formal and informal processes, and influencing government and international actors. Understanding these benefits, people around the world are working diligently to create and ensure access to secure land rights for women.

Community programs

Some of the most interesting work on gender equality and land rights is happening at the community or grassroots level. In communities all around the world, women are banding together to ensure greater opportunity. As demonstrated in examples throughout this chapter, the engagement of women at the grassroots level is crucial. These women have the greatest understanding of their own needs and the challenges presented by the local political landscape. Many of these women already have developed innovative strategies to address other challenges in their daily lives, from securing food for their families to finding adequate access to water and sanitation and protecting their

homes. Because they best understand their own needs and communities, these women are uniquely positioned to craft effective local solutions.

One example comes from GROOTS Kenya, a grassroots network of more than 2,000 women who have organized property watchdog groups in six regions across the country. These watchdog groups guard against property grabbing, monitor communities for cases of women's dispossession, and raise alarm in instances of eviction. They also have allowed grassroots women to access governance institutions, to influence legal structures and to advocate against the taking of women's land and property.^{xxxix}

Recognition through enumeration and community mapping

Habitat for Humanity has worked with a number of communities to create change at the grassroots level. Habitat aims to bridge the gap between informal and formal land tenure by using a community-mapping process to recognize the "social tenure" of properties. Habitat has used the Social Tenure Domain Model, a framework

Community paralegals help women gain access to secure land rights

Grassroots paralegals, community-based volunteers who provide legal education and aid, can play an important role in ensuring that women have the ability to exercise their right to property and assets. The International Center for Research on Women, or ICRW, and the Uganda Land Alliance, or ULA, have worked together to develop training curricula on gender and property rights and provide field tools for paralegals.

The Paralegal Support and Evaluation program is a partnership of ICRW, ULA and the Luwero Land Rights Activists Association that aims to improve women's property rights by implementing a paralegal program in Uganda's Luwero District.

This partnership focused on sensitizing communities about women's property rights. Each paralegal was trained to use a range of community education and engagement techniques and to work with influential people within the community. The paralegals were expected to focus on the same three key messages:

- 1) Women can own land.
- 2) Widows and girls can inherit property.
- 3) Protect your family by writing a will.

This project increased the community's knowledge and understanding of the law regarding women's property rights, particularly around these three key messages.

Results include:

- Some male community members gained a greater understanding of women's property rights.
- Several female community members were more aware of their property rights, particularly around the importance of legalizing their marital unions and the link between this and women's property rights.
- Paralegals enjoyed support from elected officials, religious leaders and customary leadership, which increased the program's effectiveness.
- The community experienced a number of positive changes around women's property rights, including a reduction in land-related conflicts and an increase in knowledge and awareness of property rights and the law.
- As a result of the paralegals' work, a common fear that the act of writing a will leads to death has abated in these communities, and some women wrote their wills for the first time.



that captures relationships between people and land in poor communities where there is very little formal land tenure, such as slums or rural areas.^{xi} Habitat uses this model and other technology tools to support community-led participatory mapping and planning. Community-mapping processes can be an important way to gain community recognition at the city level, advocate for investments in public infrastructure, clarify and negotiate internal claims and tenure conditions, fill the gaps in the formal system, and provide a step between informal and full, legal rights.

Habitat has leveraged the Social Tenure Domain Model in Soacha, Colombia, a settlement developed in the 1980s on the outskirts of Bogotá. Soacha includes approximately 5,000 households, 38 percent of which are female-headed. Habitat facilitated community-mapping workshops to identify and geo-reference the main constraints and assets for development and conducted housing surveys to determine the community's specific sociodemographic features, settlement details, housing standards, tenure conditions, health, livelihoods and community organization. This information has proved critical to understanding the different types of tenure arrangements

and planning for tangible solutions to improve tenure, housing, and access to urban infrastructure and services in partnership with the public and private sectors. This program is just one example of the numerous ways Habitat is working with grassroots groups and individuals to transform systems.

Building local capacity

Another community-based project that is building capacity and influencing decision-making is AWARE, a grassroots organization working in Karamoja, one of the poorest districts in northern Uganda. AWARE trains women in vocational skills and community paralegal processes, and organizes savings and loan groups to build assets and improve livelihoods. AWARE also trains women on how to engage community leaders and other stakeholders and influence community decision-making. AWARE has facilitated dialogues with elders, traditional leaders, district counselors, local police and other key community members in an effort to deepen the community's understanding of issues around land rights. As a result of AWARE's work and with the support of community paralegals, 100 land titles were granted to women by traditional leaders of

the community, and 50 women started processing their documents for landownership.^{xii}

The lack of clarity on land tenure underlies many of the development challenges facing Haiti. Before 2014, Haiti had never had a national land policy or a regularized, enforceable legal system for the registration, occupancy, ownership and transfer of land. Thus, any one parcel may be subject to several competing claims of formal ownership, and the situation could be further complicated by additional informal tenure claims of longer-term occupants lacking recognized rights. Much of the land around Port-au-Prince consists of small plots built at high densities by individuals. Efforts to engage the formal private sector in constructing additional housing have been hampered by a lack of understanding of the current laws and procedures.

In 2011, to create a common understanding of Haiti's current land procedures, Habitat for Humanity helped form the Haiti Property Law Working Group, a broad coalition comprising representatives from Haiti's national and local governments; notaries and surveyors; nongovernmental organizations; the Haitian real estate, finance, insurance and legal sectors; and

representatives of the international donor community. The group has completed two manuals that serve as how-to guides to navigate land transactions in Haiti. Based on its research, the group will make recommendations for how land policies and systems in Haiti can be improved.

Mobilizing through social media

Some of the most innovative grassroots programs are using social media as a way to empower community women. Through social media, women are able to directly contact and engage decision-makers who would otherwise be inaccessible or difficult to contact. With the widespread, worldwide use of Facebook and other social media — even in the developing world — the possibilities for social media activism are vast.

In rural Southern Kenya, a recent study examined how young Maasai women used social media to join together to protect community resources and land from misuse.^{xliii} A number of young and educated women, often excluded from official decision-making, turned to Facebook to address local politicians and make their voices heard. There are challenges to this

form of activism, but the experience of the Maasai women suggests that this new channel of political engagement can lead to greater participation in decision-making about land and property while also affecting gender and community relations more broadly.

Several Facebook groups have been created to share information and affect public decision-making in this community. One example is the Village Voice page, where members became very engaged in protecting community land rights and served as whistleblowers. Some posts by activists led to phone calls directly from local officials, which, in turn, sometimes led to face-to-face meetings. Ultimately, their efforts succeeded in stopping injustices in governance of community land and natural resources.

These are just a few examples of how women's access to secure land rights is being addressed at the community level. Community-based programs all over the world, often driven by local women, are working to build capacity, change formal and informal systems, provide legal aid and legal resources, and mobilize community and external resources.

Government interventions

System or policy change at the national level often happens through government laws or regulations. Although individuals or local groups can certainly have a great impact, coalitions may be the most direct avenue to national-level policy change. The most effective coalitions often include groups representing a variety of interests, including grassroots organizations, businesses, and nongovernmental or aid organizations. Working in coalition can reach a broader audience, engage more stakeholders and provide better access to public officials.

In Brazil, the Ministry of Cities issued an ordinance in July 2013 to better align the national housing resettlement regulations with international standards. The Federal Constitution of Brazil recognizes housing as a human right, but the ordinance recognizes rights that go beyond replacement of the physical dwelling during resettlement to include social and livelihood conditions of affected families.^{xliiii} Building on this change, Habitat for Humanity worked in coalition with other civil society groups to advocate for a related resettlement policy in the state of Pernambuco. The policy proposed by the civil society coalition was

Solid Ground: Advocating for women's property rights

The global need for adequate shelter is far too great to be met by building one house at a time, which is why Habitat's strategic plan challenges the organization to look beyond construction to promote policies and systems that advance access to adequate, affordable housing. Advocacy campaigns are a proven method to help accomplish this.

In early 2016, Habitat for Humanity will launch its first global advocacy campaign, called Solid Ground. Over the past several years, Habitat has made considerable progress in expanding access to shelter for women and entire communities by reforming policies and systems. Based on this experience and knowledge, Habitat has identified lack of access to land for shelter as the greatest barrier to ending poverty housing; changing this lack of access is the focus of Solid Ground.

Gender and property rights will be a central theme of the campaign. Addressing gender inequities in land rights is an effective means of increasing access to land for shelter. Women are disproportionately affected by land rights issues, and entire communities

reap the benefits of advanced land rights for women. Access to land for shelter is a common and widespread issue, yet the specific challenges and most affected populations vary in each environment. In order to tackle the complexity of the issue and address the unique challenges of each region, Habitat has identified four subthemes of the campaign: Gender and Property Rights, Slum Upgrading, Disaster Resilience and Response, and Secure Tenure.

Solid Ground will mobilize existing and new allies to motivate policymakers to enact and implement policies that will advance access to land for shelter. Solid Ground has ambitious yet achievable targets of affecting 2 million people globally by increasing access to land for shelter and of saving or providing access to \$50 million through changes to land access policies and systems over the next three years.

Elizabeth Mwale, 30, is the daughter of Habitat homeowner Lexina Mwale, 63. Lexina lives in Zambia's Kamanga community, where she takes care of six children. She has lived in her home since 2013; it was built as part of the Orphans and Vulnerable Children program at Habitat for Humanity Zambia. Habitat Zambia created the program in 2005 to respond to the HIV/AIDS epidemic that was creating an overwhelming number of orphans.



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**SOLID
GROUND**

approved in April 2014, potentially benefiting up to 4 million people.

In Bolivia, Habitat for Humanity helped establish the Women's Leadership Network, a school that educates women about the technical and legal aspects of land rights. In 2012, The Women's Leadership Network developed a policy reform proposal for the Urban Property Owner Regularization Law. Thanks to those diligent advocacy efforts, the law was adopted by President Evo Morales Ayma in 2012. Because of the law, which changed property deed forms to require that men and women both be listed, 1.8 million women in Bolivia now have the right to have their names listed on property deeds. As discussed earlier, that inclusion in ownership can be the difference between living in fear of eviction and living with security that benefits multiple aspects of life. Women provided important input and helped facilitate this legal change, underscoring how they can be key agents in social change by using their local experience to inform national policies.

In India, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act became law in 2013, replacing a 100-year-old law

inherited during British rule. India's use of online administration and management of land records has dramatically improved the efficiency of the land processes, increased transparency, and reduced the need for lengthy bureaucratic procedures. These changes made the process more efficient and affordable to all. Local computer kiosks have been installed and operated in remote areas, increasing access to land registry services for low-income populations in Karnataka who would normally be excluded.^{xliv}

In Ethiopia, the Land Use Planning and Natural Resource Management in Oromia Region project demonstrated how women could participate in the institutions that influence and lead land tenure governance, land administration, land use and infrastructure planning. The project incorporated the principles of gender mainstreaming to ensure women were included not only as beneficiaries but also in the composition of the project teams. The participatory land use planning in Ethiopia included a gender analysis framework that actively involved both male and female populations in order to fully understand who controlled resources and how women participated in public and family decision-making.^{xlv} ■

Spotlight on the U.S. government work to achieve gender equity in land rights

Millennium Challenge Corp. (MCC):

The Millennium Challenge Corp., an independent U.S. government foreign aid agency created in 2004, uses a unique model of delivering aid that relies on transparency, competitive selection and country-led solutions. MCC provides large five-year grants, or "compacts," to countries deemed eligible based on their performance on a set of policy indicators that range from control of corruption to health expenditures to land rights and access. MCC is often credited with instigating progressive reforms before a single dollar is dispensed, since the selection criteria will incentivize governments to reform or create policies in order to become eligible for the grants.

For example, Lesotho adopted the "Legal Capacity of Married Persons Act" in 2006 as a condition to receive the MCC compact. The law enhances gender equity by allowing women for the first time to have the same rights as men to own, inherit, buy and sell land.

USAID:

The U.S. government aims to strengthen women's land and property rights in developing countries through programs implemented through the Land Tenure and Resource Management office of the United States Agency for International Development (USAID).

In Kenya, land has become a major issue because of population increases and land expropriation. As land becomes scarcer, women in particular are more vulnerable to landlessness and associated hardships. In 2009, a new national land policy strengthened land rights for women by eliminating gender discrimination in the law. USAID, however, recognized that having a legal framework in place was not sufficient to achieve gender-equitable land rights if women and authorities at local informal justice systems, through which many land disputes are settled, were unaware of those rights. USAID teamed up with Landesa on a pilot project in the Mau Forest to increase awareness of women's rights among women, young people, chiefs, elders and the broader community. As a result of the program, women's access to land and awareness of their rights had both increased.

4

Global frameworks

The opportunity to influence the international agenda exists by affecting the priorities of organizations such as the United Nations, the World Bank and other international development organizations.

Sustainable Development Goals

The Millennium Development Goals, or MDGs, have been an incredibly important international development tool for the past 15 years. The goals were created after the Millennium Summit of the United Nations in 2000 and the adoption of the United Nations Millennium Declaration. The ambitious goals, agreed to by nearly 200 countries, were to be met by 2015. Not all goals were achieved, but the MDGs served as a common framework and rallying point for development, galvanizing resources and support.

Building on this concept of global goals, a new framework called the Sustainable Development Goals, or SDGs, was created through a multiyear process that culminated in their adoption in September 2015.

The SDGs are intended to serve as a road map to eradicating poverty and promoting sustainable development. The multiyear international effort to develop the goals was led by the U.N. secretary-general. Recognizing that access to secure land rights is a foundational issue and underlies many other development goals, a global community of people concerned about access to secure and equitable land rights worked diligently to ensure that land rights were included in these new development goals.

It is now up to individual countries to live up to their commitments and work to achieve these new goals over the next 15 years.

Habitat III

In October 2016, the third United Nations Conference on Housing and Sustainable Urban Development will be held in Quito, Ecuador. Known as “Habitat III,” the conference will follow the format of Habitat I and II in focusing on the most pressing challenge facing worldwide housing needs. Habitat III will address the need for sustainable human settle-

ments during a time of rapid urbanization in the developing world.

In 1976, world leaders convened the first such conference, which came to be known as Habitat I, in Vancouver, Canada. At the time, the world was starting to undergo the greatest and fastest migration of people into cities and towns in history, and the international community was beginning to recognize trends in urbanization and its impacts. Twenty years later, at the Habitat II conference in Istanbul, Turkey, world leaders adopted the Habitat Agenda as a global plan of action for adequate shelter for all.

Today, over 1 billion people are living in slums or slumlike conditions. Cities have continued to expand beyond their periurban areas, and slums have continued to grow because of weak urban planning, poor urban management, land regulation crises, real estate speculation and other factors. Now, 40 years after the first Habitat conference, world leaders will meet again to reinvigorate the global commitment to sustainable urbanization and build a “New Urban Agenda” based on the work of the past conferences.

Habitat III is particularly timely, as it will be one of the first United Nations global summits held after the adoption of the Sustainable Development Goals.

The conference will bring together thousands of participants, including country leaders, civil society organizations, regional and local government representatives, professionals and researchers, academia, foundations, women and youth groups, trade unions, and the private sector, along with organizations of the United Nations system and other intergovernmental organizations.

Overall, Habitat III must continue to prioritize housing and basic services; develop clear, measurable and actionable recommendations; prioritize secure land rights; be informed by local communities; and work to directly implement the Sustainable Development Goals. 🏠

Using Global Housing Policy Indicators to understand land tenure rights for women under customary law

Using the Global Housing Policy Indicators, or GHI, recent case studies into four countries illustrate various difficulties in securing land tenure for women. The GHI assessment tool finds firsthand evidence of the discrepancies between constitutional laws that are mostly gender-neutral and the set of unspoken social norms or customary laws that discriminate against women. The GHI uses a holistic framework to approach housing policies and a housing environment that allows more people to access decent and affordable housing. The data GHI generates are the first step toward establishing standards for a fair housing environment for every country and provide a comparable database across countries and cities.

For this recent analysis, Uganda, Colombia, Indonesia and Armenia were selected, bringing regional variation, different contexts, cultures, and land and housing systems to compare.

The analysis suggested that there is a frequent failure to implement, enforce and adjust land tenure laws that are

gender-neutral. The countries with more acute inequality in land tenure practices have dual systems and consistently overestimate the population's understanding of how to navigate the individual country's legal systems and practices. The modern constitutional provisions have often diminished secondary rights of land importance, which is the main source of land security for women who relied heavily on tribal ties to access land and on the communal aspect of traditional tenure.

Although the legal language in all four countries is gender-neutral, in reality, the practices in the field are biased. The lack of gender equality awareness in all four countries hinders women's fair access to land security because of tribal or religious systems overpowering the legal framework or because of societal norms. In these countries, there are no functioning mechanisms that make rural traditions co-exist with the constitutional practices, meaning the current legal context does not offer such security for women.

Providing training for women to understand land laws and property rights is key. Local governments are also key in playing an important role in breaking discriminatory gender roles and perceptions.

International human rights documents: Women and secure land rights

The right to adequate housing for all is included in many international human rights documents. Most notable are the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights.

Universal Declaration of Human Rights, Article 25.1:

“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”

International Covenant on Economic, Social and Cultural Rights, Article 11.1:

“The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.”

The most helpful and comprehensive document, which does not constitute binding international law but is illustrative of the rights incorporated in other U.N. documents, is a joint fact sheet on **The Right to Housing** produced by UN-HABITAT and the Office of the U.N. High Commissioner for Human Rights (Fact Sheet No. 21/Rev. 1). It explains what

the right to adequate housing is, illustrates what the right means for specific individuals and groups, and then elaborates upon states’ obligations. It concludes with an overview of national, regional and international accountability and monitoring mechanisms. The Right to Housing specifically addresses women’s rights to housing (pg. 16-18).

Other international documents that outline rights for women include the **Convention on the Elimination of All Forms of Discrimination against Women**. This convention notes several important rights for women, including:

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

“(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.”

Article 15 (2): “States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.”

Article 16 (1): “States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in

particular shall ensure, on a basis of equality of men and women: ...

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

Another important international document is the **Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security** by the Food and Agricultural Organization of the United Nations. These guidelines promote secure tenure rights and equitable access to land as a means of eradicating hunger and poverty, supporting sustainable development, and enhancing the environment. The guidelines include the following general principles for states:

- Recognize and respect all legitimate tenure rights and the people who hold them.
- Safeguard legitimate tenure rights against threats.
- Promote and facilitate the enjoyment of legitimate tenure rights.
- Provide access to justice when tenure rights are infringed upon.
- Prevent tenure disputes, violent conflicts and opportunities for corruption.

The guidelines specifically address women and land tenure by recognizing that women, who are already socially and economically marginalized, are particularly vulnerable when tenure governance is weak. Gender was purposefully mainstreamed and addressed throughout the guidelines.

Homeowner Regna Davi Singh, 27, and her husband, Karia Singh, 29, have been married for 11 years, and moved into a Habitat home in the Bawana community 30 kilometers north of central Delhi, India, in 2007.

5

Conclusion and recommendations

Secure land rights are a foundational issue for women in the developing world. Living without the constant fear of eviction or property theft is closely tied to meeting other basic needs, including economic survival, social empowerment, and the health and well-being of individuals and the planet.

This essential nature of secure land rights and the intersection with so many other issues presents a substantial development opportunity: ensuring women's ability to access secure land rights will help realize myriad other development goals.

Recognition of the scope and importance of this issue is the first step, which must be followed by concrete action. This report's recommendations offer ways to ensure more secure land rights for women, including recognizing that land rights exist along a continuum, involving women in collaborative decision-making and planning processes, educating local leaders, using community-mapping models, ensuring that donors consider gender-specific issues, increasing the collection and accessibility of gender-disaggregated data, and incorporating women's access to secure land rights into inter-

national documents and forums. These recommendations highlight many known solutions for increasing women's access to secure land rights while also leaving room for women and men to create new and innovative solutions from the community level to the national level.

For individual women, control over land is the most stable means of economic and social empowerment, and land offers ways for women to improve not only their own lives, but also the lives of their families and their communities. When women thrive, their families and communities thrive.

Recommendations for advancing gender equality

- **Women should be an integral part of decision-making, planning and governance around issues of secure land rights.**

At the local or community level, engaging women in the decision-making and planning processes is crucial. Women in the community have the greatest understanding of their own needs, and many of these women already have developed innova-

tive strategies to address other challenges in their daily lives, from securing food for their families and finding adequate access to water and sanitation, to protecting their homes. Because of their deep understanding of their own needs and communities, these women are uniquely positioned to craft local solutions. For the same reasons, women should be involved in developing provincial- or national-level solutions and should have a voice and representation in institutions leading and influencing land use governance. Ideally, any decision-making process around secure land rights should be a collaborative process that engages men and women.

- **Recognize that secure land rights exist on a continuum.**

Secure land rights are not one-size-fits-all. They can come in a variety of forms along a continuum from short-term to permanent. Secure land rights can include rental contracts, formal title and formal recognition of customary rights. As land rights increase, both in perception and in reality, on the way to full legal rights, women are able to gradually feel more confident in the security of their homes and their ability to invest in their homes, communities and families.

Although full titles are not necessary in every context, national and local laws must create a framework for granting sufficient tenure security.

- **Education and training for community, customary and religious leaders is crucial.**

Community, customary and religious leaders play vital roles in decision-making processes at the local level. These leaders, who in many communities are almost exclusively men, must be educated and trained on the importance of women's land rights, existing legal protections and rights for women, and how to lead collaborative decision-making that engages both women and men.

- **Agencies granting and lending money for development should incorporate gender-specific strategies into their work.**

Sound policies at financial institutions can go a long way toward ensuring equal land rights and financial well-being. For example, the Millennium Challenge Corp., a development agency of the U.S. government, has a gender policy that applies to any program funded by the agency through a Millennium Challenge

Compact. The policy requires that countries eligible for receiving MCC funding analyze gender differences and inequalities to inform the development, design, implementation, monitoring and evaluation of their programs.

- **Collect and make accessible gender-disaggregated data on landownership and the use and control of land.**

Publicly accessible data on landownership and land tenure that is disaggregated by gender is essential to ensure more informed decision-making. The current lack of gender-disaggregated data and robust studies using this data is a major obstacle to influencing decision-making. The availability of such data is key to convincing decision-makers of the challenges of women's access to secure land rights. Making the data widely accessible would allow civil society to study and use the data in advocating for smart programs and policies. Gender-disaggregated data can be used to identify geographical areas where women lack secure land rights and can allow for innovation and investment in those areas.

- **The development of post-2015 sustainable development indicators and the country-level implementation of post-2015 goals and targets should include specific provisions addressing women's access to secure land rights.**

As the post-2015 Sustainable Development Goals are fleshed out by the creation of highly detailed indicators, specific indicators that directly address women's access to secure land rights are crucial.

In addition, as individual countries begin to implement the Sustainable Development Goals, each country will have a chance to create its own framework around the goals, targets and indicators. Countries should include specific provisions ensuring women's access to secure land rights.

- **Habitat III, the United Nations Conference on Housing and Sustainable Urban Development in October 2016, should produce actionable plans on increasing secure land rights for women around the world.**

Habitat III, one of the first global summits after the adoption of the Sustainable Development Goals, will focus on the



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Build Loudier volunteers from Latin America and the Caribbean conducted a housing survey in Soacha, Colombia, before the first Regional Forum on Adequate Housing held in Colombia's capital, Bogotá.

need for sustainable human settlements during a time of rapid urbanization in the developing world. Conference attendees, including representatives of U.N. member states, civil society, regional and local governments, academia, donors, and the private sector, should take advantage of this key opportunity to produce concrete, actionable steps toward securing land rights for women in the developing world.

• **Gender-sensitive community-mapping programs are proven solutions for ensuring more secure land rights and should be integrated into national, provincial and local policies and planning processes.**

Most developing countries have less than 30 percent coverage of a formal land rights system.^{xvii} Reforming a formal land administration system can require substantial changes and significant time. Community-mapping processes, which recognize “social tenure” of properties, can be an important way to gain community recognition at the city level, advocate for investments in public infrastructure, clarify and negotiate internal claims and tenure conditions, fill the gaps in the formal system, and provide a step in the continuum of rights from informal to full, legal rights.

Recommendations for effective legal and policy reform

The barriers to secure land rights are varied, complicated and often intertwined. They include, but are not limited to, insufficient legal and regulatory systems, gender discrimination, corruption, and customary practices.

Efforts to reform laws, policies and institutions at the local, provincial and national levels are key to providing women more access to secure land rights. There are several principles to ensure effective reform.^{xlviii}

1. Formal legal and policy reform is foundational.

Laws in many countries — either intentionally or simply by omission — do not recognize the land rights of women or treat their rights as secondary to the rights of men. Thus, reforming the laws or policies is often an important first step toward creating change in women's lives.

2. Awareness of rights and how to access them is key.

Lack of awareness of new laws is the

single biggest obstacle to successfully implementing women's land rights. Women will not turn to the law when they are wrongfully denied property if they do not know that they have these rights.

3. Implementation and enforcement of laws and policies are essential.

Having laws on the books is not enough. If the laws are not being routinely implemented and enforced, they will have little to no impact on women's lives.

4. Gender representation in land governance institutions is crucial.

Strong institutions with clear mandates are needed in order to develop, implement and enforce policies. Not only do these institutions — including customary institutions — need to include women's voices and priorities into their planning processes and systems, but women also need to be represented among their public officials and technical staff. Strong coordination also is needed among organizations dealing with land administration, land use, and zoning and infrastructure investments.

5. Convenient and affordable access to the legal system is critical.

Even when women understand their rights and the government is willing to enforce the law, they may face yet another obstacle: accessing the legal system and navigating the legal process. Legal assistance programs, such as community-based paralegal programs and legal aid clinics, should reach a wide audience of men and women, as they can effectively provide guidance for remedying the legal and economic barriers.

6. A holistic approach is best.

Because the status of women in developing countries is systematically undermined in a variety of ways, merely changing one aspect of the system of land tenure and ownership may accomplish little. To make real improvements in the ability of women to acquire and keep property requires a comprehensive and holistic approach. ■

This mother and daughter from the El Manzanal squatter community in Honduras met with participants in a Habitat for Humanity Government Relations and Advocacy trip. During the weeklong trip, participants learned about issues of secure tenure and advocating for land rights.



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