



KEY MESSAGES

WOMEN, LAND AND PEACE

Sustaining peace through women's empowerment and increased access to land and property rights in fragile and conflict-affected contexts



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ABOUT THE KEY MESSAGES

These messages were developed based on the field experience in fragile and crisis affected contexts of UN-Habitat and the partners of the Global Land Tool Network and the HLP Area of Responsibility of the Global Protection Cluster. They are a quick reference on how to empower women and protect their housing, land and property rights in fragile and crisis affected contexts and why this is an essential element to sustain peace and stability.

The messages are relevant for the different groups of women and girls, independently of their ethnicity, status, disability, sexual orientation or any other characteristic they identify with.

For more information consult the referenced documents and the [UN-Habitat](#), [Global Land Tool Network](#), and [Global Protection Cluster](#) web sites or reach out directly by writing to: unhabitat-gltn@un.org or gpc@unhcr.org

Why it is important to increase women's housing, land and property?

Women play a key role in sustaining peace

Women's role in fragile and conflict-affected contexts is often reduced to that of victims. It is indisputable that women are disproportionately affected by conflicts which they often had little part in creating. However, women also play a critical role in preventing and resolving conflicts and building and sustaining peace within societies. This function often goes unnoticed and is consistently underreported. Women's role as agents of peace, mediators and negotiators in their own communities needs to be given more attention and women need to be given more space to contribute

further to peace efforts. This includes taking part in peace negotiations and peacebuilding actions, peacekeeping, humanitarian response and post-conflict reconstruction.

Protecting women's housing, land and property rights increases women's ability to sustain peace

To adequately play their role as agents of peace, women need to feel secure in their communities and be empowered to participate meaningfully in decision making and planning. Housing, land and property rights are an essential enabler of both. This is because:

In fragile and conflict-affected contexts, when women's housing, land and property rights are protected...

- ...they take a step closer to realizing their right to equality in general.
- ...they are better capable to provide for themselves and their families and to cope with the social and economic impacts of conflict and the lack of their community and extended family support that often is brought about by conflict and displacement.
- ...their vulnerabilities are reduced, and they are better protected from physical and psychological violence, other hazards, and extreme weather¹.
- ...the factors that force them to take up risky behaviours and make them vulnerable to adopt negative coping mechanisms - such as the sale of sex, forced marriage or other harmful practices - are reduced.
- ...the power relations within the household are rebalanced. This enables women to have a greater say in household decisions and to exit abusive and violent relationships.
- ...their autonomy and self-determination increases.

¹ It is also important to mention that, in the short term and in some contexts, claiming HLP rights can expose women to violence, as claims might be considered a threat to power structures and to those in power and control. However, expanding women's inheritance and HLP rights will over time change cultural gender norms and attitudes in a positive way. It is important that immediate protection strategies and measures are put in place to support women who claim their HLP in contexts where they might be at risk of violence.

The above-mentioned factors can contribute to women's increased meaningful participation in decision-making processes within communities and in public discourse and debates, including in peace actions and peace-making. These efforts then lead to more inclusive decision-making and more effective, sustainable peacebuilding outcomes.

Women's housing, land and property rights contribute to preventing and recovering from conflict and fragility

The protection of women's housing, land and property rights mitigate the risk of violent conflicts flaring up and help societies to emerge and recover from war.

It increases agricultural productivity and production, contributing to food security. It is essential to foster the realisation of other related human rights, such as the rights to an adequate standard of living, adequate housing, protection from forced evictions, equality, etc. Overall, the protection of all people's housing, land and property rights helps societies move from humanitarian vulnerability towards recovery and self-reliance. Importantly, the protection of land rights can strengthen the relationship between people and institutions, which is an important factor for state-building and peacebuilding in fragile contexts and countries emerging from war.

How to increase the recognition and protection of women's housing, land and property rights in fragile and conflict-affected contexts

The pressing urgency of protecting women's housing, land and property rights in fragile and conflict-affected contexts calls for increased and coordinated efforts of all stakeholders to identify and promote viable options that can serve the larger number of women in the shortest time possible, while offering enough protection from forced eviction and other hazards. Forcibly displaced women are amongst the most vulnerable groups and their protection should be prioritized.

To protect women's housing, land and property (HLP) rights in fragile and conflict-affected contexts, it has proven effective to:

- Assess and identify which tenure options are most suitable – in terms of time, scale, cost, sustainability, capacity of and acceptance by the local actors – and can reach a greater number of women in the shortest time (e.g. house-sharing options, communal shelters, tented camps, etc.), while simultaneously working on more suitable medium-term options (e.g. rehabilitation or reconstruction

of shelter, hosting agreements with the local communities, waqf arrangements², etc.).

- Remove legal and administrative blockages that prevent displaced women (and men) from using, renting or owning houses, land and properties.
- Promote the use and broker the recording of clear and fair housing, land and property agreements, such as ownership documents, tenancy and lease agreements. Records can be oral or written, depending on the appropriateness for the context. If oral, they should be witnessed by trusted intermediaries/authorities and/or recorded digitally with phones so that parties can refer back to them at a later date.
- Advocate for and support the (re)issuing of civil documentation - such as identity cards,

² The holding and preservation of a certain property for the confined benefit of a philanthropy with prohibiting any use or disposition of the property outside that specific purpose. The definition indicates the perpetual nature of waqf as it broadly relates to land and buildings, although there is waqf of books, agricultural machinery, cattle, shares and stocks, and cash. Oxford Dictionary of Islam.

marriage certificates, death certificates, etc. – which are often needed to formalise marital and family relationship and housing, land and property rights.

- Support the retrieval and re-issuing of HLP documents as a means to facilitate the enjoyment of durable solutions and in preparation for return/reintegration, restitution or compensation processes.
- Establish information and support centres and complaint mechanisms at the grassroots level to help women identify their land tenure options available and how to access them.
- Provide legal counselling and assistance on HLP rights, civil documentation and other matters of priority. Explore the use of collaborative dispute resolution mechanisms and techniques (such as mediation and negotiation) to resolve HLP disputes and promote women’s access and enjoyment of property.
- Ensure that women are empowered to partici-

pate and lead land-related processes – such as land and return commissions, etc. – and that such processes do not discriminate against them.

- Collect and analyse gender disaggregated data on issues faced by women in accessing land and other land-related dynamics.
- Identify common properties and resources such as water, trees (for fuel, food, and medicine) etc. Ensure that women’s access and use of these are protected and that women are meaningfully included in their management. If these are being degraded, for instance, because of an influx of displaced peoples, or because of conflict or other reasons, invest in their restoration and ongoing management.
- Work with local associations, influential individuals and community members to organise accompanying activities that mitigate the risk of threats of violence to women asserting their housing, land and property rights.

How to empower and increase women’s participation in processes related to land management and housing, land and property rights

The protection of women’s access to housing, land and property rights is an essential condition to ensure women’s empowerment and participation in peace actions (Section 1). However, specific actions are needed to empower and increase women’s participation in processes related to land management and housing, land and property rights in fragile and conflict-affected contexts. Although everyone’s life is deeply affected by decisions related to land management and HLP rights, such discussions are considered difficult to engage in and technically complicated. This perception adds to discriminatory gender roles and social norms and contributes to excluding women from such decisions. Despite women’s major contribution in working the land and putting into effect decisions taken over land management, the topic is

too often perceived as a “men only” issue and the land sector is overwhelmingly male-dominated.

Efforts are needed to ensure that women are empowered to participate and lead discussions related to land management and HLP rights in fragile and conflict-affected contexts. This includes negotiation and mediation efforts related to access to, use of and control over land and land related resources, dispute resolution processes, land commission, return and restitution commissions, definition of land and HLP-related provision in peace agreements and other relevant frameworks. This prepares the ground for women’s involvement in broader land and HLP discussions during the recovery and reconstruction phase (e.g. legal and institutional reforms, land administration, etc.).

Key actions to promote women's empowerment in fragile and conflict-affected contexts include:

- Raise women's awareness and understanding of housing, land and property rights, so that they are better able to claim them and engage in land and HLP-related processes.
- Support the inclusion of women in reconstruction and rehabilitation processes.
- Promote, strengthen and develop the capacities of women and women's associations to

participate in land-related processes.

- Make women's participation a requirement in all peace negotiations, land conflict resolution mechanisms, and land-related commissions to ensure women's grievances and needs are addressed during the negotiations.
- Collect and analyse gender disaggregated data on land administration processes, land use patterns, issues faced by women in accessing land and other land-related dynamics to guide reforms and decision making.
- Support women's employment in land administration and in the different aspects of land management.

Women's housing land and property rights for conflict prevention and recovery: the humanitarian-development-peace nexus

With a long-term perspective towards durable conflict prevention and recovery strategies, laws and practices should be analysed and reviewed to ensure that they protect and advance women's housing, land and property rights. Particular areas of focus includes the revision of gender-discriminatory inheritance and personal laws; the promotion of the registration of written marital contracts containing information on land and property regimes; the removal of the impediments keeping women from accessing land administration services, financial facilities and mechanisms, systems for land improvement and exploitation, and land disputes resolution mechanisms, and reform of the legal and administrative systems with a gender-sensitive lens.

To achieve change in the such areas of focus, some key activities are recommended:

Advocate and raise awareness on women's housing, land and property rights

- Raise awareness on the importance of advancing and protecting women's land and property

rights at the national and regional level, and among family and community members, and key land actors;

- Raise awareness on international frameworks protecting women's housing, land and property rights;
- Raise awareness among decision makers on the economic and social values of women's work, this will assist them in understanding the benefits they, and their families, will enjoy by guaranteeing women's equal access to and control over land.

Protect women's housing, land and property rights at the time of marriage

- Raise awareness about the importance of registering all vital events such as marriage, divorce, birth, and death and obtaining all required civil documentation to secure all documents that will help prove their claims and facilitate access to and effective use of land

and property.

- Raise awareness on the importance of marriage in defining land and property regimes of the family and on the role of the marital contract as a tool to access and secure women's land rights through joint marital property;
- Promote or make compulsory the registration of marriages through written marital contracts, and promote joint tenure arrangements for couples;
- Ensure that marital contracts include different property regimes options, arrangements, and define the conditions for settlement of divorce;
- Promote the inclusion of joint marital property in the national legal and administrative frameworks;
- Consider setting joint marital property as the default option if couples do not indicate their preferred property regime;
- Facilitate access for women to independent legal advice, before and after marriage;
- Develop the capacities of all stakeholders involved in contracting marriage, including couples preparing for marriage and their families, and of other key actors involved in dispute-resolution processes related to marriage and divorce in dealing with land issues.

Protect women's inheritance rights

- Raise awareness on the existing statutory and religious inheritance laws and advocate for amendment of discriminatory laws that limit or preclude women's rights to inherit property;
- Develop the capacities of all stakeholders dealing with inheritance processes and related land issues with gender-sensitivity;
- Promote a holistic approach to estate planning and complementary mechanisms to access land and property (purchase, will, gifts, etc.);
- Combat and regulate practices of inheritance renunciation which are prevalent in some contexts.

Strengthen women's rights to land, housing and resources

- Strengthen the collective and individual rights of use to grant immediate tenure security that can be reinforced over time, while more durable solutions are being developed. Specifically, ensure that tenure agreements represent a broad range of relevant rights, are robust (can be enforced), and are for a reasonably long duration for that type of tenure agreement;
- Regulate and promote the use of recorded, clear, and fair tenancy and lease agreements, removing the blockages, simplifying the requirements and providing legal support and mediation for their enforcement;
- Promote the inclusion of women's names in all types of land tenure documents (ownership, lease, occupancy contracts, etc.);
- Increase women's ability to invest in land and housing assets through livelihood support and other interventions.

Provide practical support for women and women groups

- Establish information and support centres to help women identify different tenure options and how to access them, and to provide information on financial and legal aid, and practical support to enable women claim their rights, especially inheritance rights, through courts or alternative dispute resolution systems;
- Develop the capacity of existing women's groups and organizations to deal with land-related issues.
- Facilitate access for women to independent legal advice.

Increase women's access to justice and dispute-resolution mechanisms

- Support women's access to justice and to land dispute resolution mechanism through the provision of legal assistance, counselling, representation and mediation, and through the removal of practical and logistical barriers (e.g. distance, cost, language and literacy, childcare, etc.);
- Improve legal accessibility by simplifying, popularizing, and translating documents to local languages;
- Take into consideration the need for women to have access to non-confrontational land dispute resolution mechanisms that do not jeopardize their family relationships.

Improve land administration and access to credit

- Remove practical and logistical barriers limiting or keeping women from accessing land administration services (e.g. distance, cost, language and literacy, childcare etc.) and establish decentralized land administration offices, mobile services, online access with information and training support services for women, etc.
- Promote a more accessible reform of land administration systems (i.e. less bureaucratic, faster, cheaper, etc.);
- Develop the capacity of people in decision making roles (e.g. judges, community leaders, etc.), and engage with customary laws and authorities to advocate for gender-responsive change if needed;
- Increase access to credit and microfinance for women.
- Increase the number of women working in the land, administrative and legal sectors.

Reform constitutions, policies and laws

- Develop and reform national constitutions, policies and laws to be gender-responsive;
- Promote the alignment of national policies and laws with international human rights frameworks protecting women's land and property rights;
- Amend discriminatory laws which hinder women's access to land such as citizenship laws, guardianship, inheritance, ownership, credit laws etc.
- Where relevant, increase the knowledge of Islamic land principles of people in decision-making roles (judges, community leaders, etc.), of families, communities, civil society organizations and women's groups.

Learn to work in contexts with multiple legal systems

- Assess and identify which tenure option(s) is/are more likely to have an immediate impact in terms of time, scale, cost, sustainability, capacity and acceptance by the local actors, etc. Identify which can have a positive impact for a greater number of women in the least time, while offering the necessary protection from forced eviction and other hazards. The risks posed by the selected tenure options need to be assessed and mitigated;
- Harmonize, reconcile and align the provisions in the different legal systems, clarifying how they interface and interact with each other to avoid forum shopping and jurisdictional confusion, which negatively affect the most vulnerable people and women;
- Do not undermine the state institutions and laws. While understanding and working with multiple legal systems and tenure options might be necessary in the short term, it is important to also keep a medium / long term perspective, to ensure that state's institutions and laws are not undermined.

SDGs

Securing women's land and property rights is fundamental for the realization of human rights and for the attainment of the Sustainable Development Goals (SDGs) outlined in the 2030 Agenda for Sustainable Development (2015) as they contribute to poverty reduction (SDG1), women's empowerment (SDG5). Multiple targets of the SDGs are linked to women's tenure rights, particularly to the need of all, women and men, for ownership and control over land and other forms of property (target 1.4); and the need for gender-equal access to resources and ownership and control over land (Target 5a); The non-exhaustive list of SDGs, targets and indicators outlined below takes in consideration the main goals relating to the advancement and protection of women's land and property rights. Additional relevant goals can be identified due to complexity of the related dynamics.

SDG1. End poverty in all its forms everywhere

Target 1.4. By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance.

Indicator 1.4.2. Proportion of total adult population with secure tenure rights to land, (a) with legally recognized documentation and (b) who perceive their rights to land as secure, by sex and by type of tenure.

SDG5. Achieve gender equality and empower all women and girls

Target 5.a. Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.

Indicator 5.a.1. (a) Proportion of total agricultural population with ownership or secure rights over agricultural land, by sex; and (b) share of women among owners or rights bearers of agricultural land, type of tenure.

Indicator 5.a.2. Proportion of countries where the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control.

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For more information

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