

## Promoting gender inclusion in society

### 🕒 Evaluating gender equity

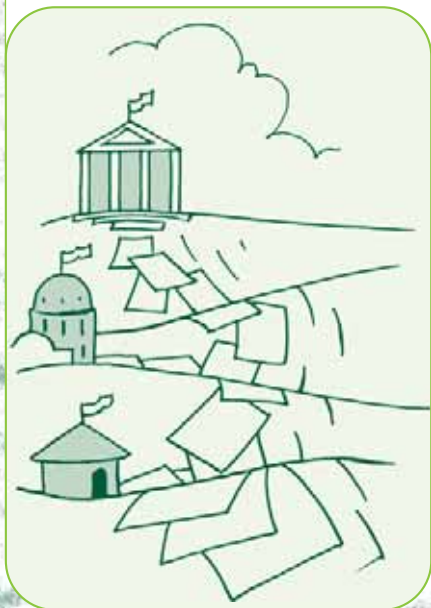
**A**ctions to improve gender equity in access to land should be based on a good understanding of the situation. The evaluation should identify areas of gender equity as well as inequity. It may be possible to make greater progress by building actions on strengths that already exist.

An evaluation process could address issues such as:

- 🕒 Does formal legislation support or limit the rights to land of women and men?
- 🕒 Does customary law support or limit the rights to land of women and men? How are customary rights (e.g. seasonal rights to harvesting and grazing) held by women recognized?
- 🕒 Are there conflicts between customary law and formal legislation, e.g. with regard to marital rights and inheritance?
- 🕒 Are women included as decision-makers in their households, farmers' organizations, local governments and at the national level?
- 🕒 Are land titles and other documents given in the names of men and women, or only in the name of the head of household?
- 🕒 Do courts and community tribunals provide effective protection of rights of both women and men?
- 🕒 Do women and men have equal opportunity to access legal assistance, credit, and farm inputs?

## ✦ Improving gender equity in access to land

- ⊙ What changes are taking place in land tenure as a result of migration, HIV/AIDS, etc., and what effect are they having on the rights of women and men?
- ⊙ Are people who implement land tenure policies aware that lack of a gender perspective in land tenure projects is a major obstacle for gender equity? Do they have appropriate knowledge of how to incorporate gender concerns into projects?
- ⊙ Do women and men have equal opportunities to participate in all stages of development projects affecting their rights?



Information on the quality of the rights of women and men can be found in a number of sources, for example:

- ⊙ Formal legislation, regulations, civil and family codes at all levels of government;
- ⊙ Decisions of courts and other official tribunals;
- ⊙ Religious law;
- ⊙ Customary law, usually unwritten but agreed upon as being traditional for the area or the group;
- ⊙ Documents (e.g. deeds or certificates) and registers of rights and documents;
- ⊙ Studies and research on land or gender issues;
- ⊙ Experience of NGOs and local women's organizations;
- ⊙ Data and information on participation of men and women in land tenure and other development projects;
- ⊙ Discussion with rural women in focus groups or individual interviews. ■

## ◎ Informing people of their rights

Laws that aim to empower people remain empty shells unless they are used. Often they remain underused because people are not aware of their rights. The rule of law is more effective when there are many people who understand their rights, and use and protect their rights under the law. NGOs can play an important role in informing men and women of their rights, and how to enjoy and protect them.

### **KNOW WHAT INFORMATION IS NEEDED:**

It is important to know what rural communities understand about their rights and what they do not understand. Communities may need answers for questions such as:

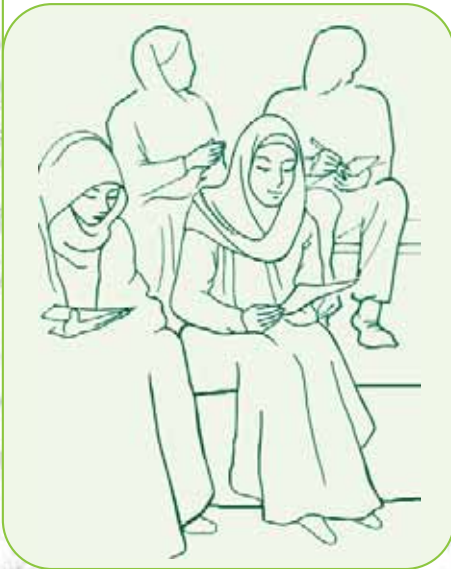
- ◎ what to do when someone with rights to land dies without a will;
- ◎ what are women's rights under the law;
- ◎ what is the relationship between customary or religious law and formal legislation;
- ◎ what to do if the government wants to acquire their land.



**PRESENT INFORMATION IN A RELEVANT WAY:**

Different presentations may be needed for men and women. Women and men quite often have different interests and questions. For example, women may want to know what happens when a daughter, who has a right to the household land, leaves her family to marry. They may have questions on their right to inherit as a wife or daughter, and may be concerned about their rights in cases of divorce, abandonment or incapacity of their husband.

Where formal legislation does not match with customary law, presentations may be needed to explain to men why the change to legislation was made, and how that change will benefit the household as a whole.



**USE DIFFERENT STRATEGIES TO PRESENT INFORMATION:**

- ⊙ Community meetings are effective as they allow the message to be tailored to the needs and interests of the audience. Separate meetings may be necessary for women because they are available at different times of the day from men. A separate meeting may also be needed when women are unable or unwilling to leave their children or attend public places where men meet. Some women may prefer that meetings are held first with men, because training for the women may be ineffective if men do not understand or agree to any changes to the law.
- ⊙ Simple documents such as posters and comic books can be used effectively, for example, to show people how to use the land registration system, and they can be distributed in the registry office. A good distribution system is needed for other printed materials to ensure that they reach remote villages.
- ⊙ Documentation on the problems that women face and the solutions that women have initiated can help others to understand their choices. Women may be isolated and be unaware that others share similar concerns and problems.
- ⊙ Rural radio, such as question-and-answer shows, can be effective when the programmes are accurate, relevant to the actual needs of listeners, and creatively presented. ■



## 🕒 Working to empower the marginalized

**I**nforming people of their rights is an important part of helping people to protect and increase the security of existing rights. But sometimes this is not enough, and there is a need for reforms to extend the rights that women can acquire. Introducing reforms takes time and is not simple, but there are many examples in the world where changes have been introduced. Actions that can be taken to improve the understanding of the rights of men and women to land include the following.

### **IDENTIFY THE PROBLEMS:**

- 🕒 Identify policies, laws and cultural traditions that adversely affect access to land by women or men;



- ⊙ Collect data on access to land by men and women;
- ⊙ Recognise that women do not constitute a single homogenous group with identical shared interests.

**BUILD WIDE-RANGING SUPPORT:**

- ⊙ Identify who in government and civil society is working to improve gender equity, and build coalitions with them;
- ⊙ Use national, regional and local organizations such as women's groups to obtain knowledge and to encourage the participation of women;
- ⊙ Improve the knowledge of policy-makers and those who administer rights to land about the disparity between rights of men and women.

**EXPLAIN THE PROBLEMS AND POTENTIAL SOLUTIONS:**

- ⊙ Prepare strategies to explain to policy-makers and land agencies what problems exist and what might be done;
- ⊙ Find non-threatening examples of the issues to communicate the importance and benefits of gender equity;
- ⊙ Lobby for the amendment of land legislation (including regulations and guidelines) that is not gender-sensitive and for the enforcement of gender-inclusive law;
- ⊙ Lobby for amendments to family laws when such legislation disadvantages women (e.g. at the time of marriage, divorce, inheritance);
- ⊙ Lobby to increase representation by women on Land Commissions and other decision-making bodies. ■