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ACHIEVING SDG INDICATOR 5.a.2 IN THE WESTERN BALKANS AND BEYOND

PARTNERSHIPS FOR GENDER EQUALITY
IN LAND OWNERSHIP AND CONTROL
2020

5.a.2
INDICATOR

ACHIEVING SDG INDICATOR 5.a.2 IN THE WESTERN BALKANS AND BEYOND

TRANSFORMING OUR WORLD: THE 2030 AGENDA FOR SUSTAINABLE DEVELOPMENT INCLUDES 17 SUSTAINABLE DEVELOPMENT GOALS AND 169 TARGETS

The 2030 Agenda has become the main reference for development policies and programmes at country level.



On 25 September 2015, the UN's 193 Member States adopted new global goals for the next 15 years at the UN Sustainable Development Summit in New York.

WHO IS IN CHARGE OF TRACKING THE SDG INDICATORS?

Custodian agencies are responsible for taking the lead in coordinating and guiding the monitoring and reporting process on behalf of other partners and stakeholders.

Metadata: The UN Statistical Commission has published metadata reviewed/developed by custodian agencies for all of the 17 goals.

For land related indicators metadata, visit:

[SDG 5.a.1](#)

[SDG 5.a.2](#)

[SDG 14.4.2](#)

THE FOOD AND AGRICULTURE ORGANIZATION (FAO) IS THE CUSTODIAN AGENCY FOR 21 INDICATORS.



PARTNERSHIPS FOR GENDER EQUALITY IN LAND OWNERSHIP AND CONTROL



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.

Target 5.a is measured through two indicators: a quantitative indicator and a qualitative indicator which, when measured together, allow countries to monitor the impact of legal reform on women's land ownership and/or control.

INDICATOR 5.a.1

Indicator 5.a.1: “(a) Percentage of people with ownership or secure rights over agricultural land (out of total agricultural population), by sex; and (b) Share of women among owners or rights-bearers of agricultural land”, by type of tenure.

INDICATOR 5.a.2

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

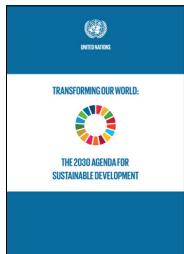
FAO is the custodian agency for this indicator, and developed a reporting methodology in partnership with the contributing agencies and partners

WHY HAVE A LEGAL INDICATOR ON GENDER EQUALITY IN LAND OWNERSHIP AND CONTROL?

The inclusion of indicator 5.a.2 acknowledges that greater equality in the ownership and control over land contributes to economic efficiency and has positive multiplier effects for the achievement of a range of other SDGs including poverty reduction (Goal 1), food security (Goal 2) and the welfare of households, communities and countries (Goals 3, 11 and 16, among others).

ACHIEVING SDG INDICATOR 5.a.2 IN THE WESTERN BALKANS AND BEYOND

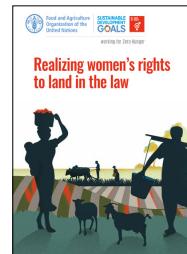
WHAT **TOOLS** DO WE HAVE ON GENDER-EQUITABLE LAND TENURE?



[The 2030 agenda for sustainable development](#)



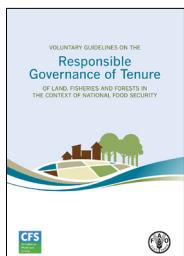
[FAO and the SDGs Indicators: Measuring up to the 2030 Agenda for Sustainable Development](#)



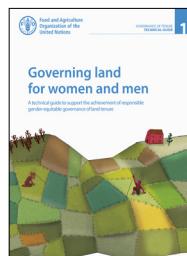
[A Guide for Reporting on SDG indicator 5.a.2.](#)



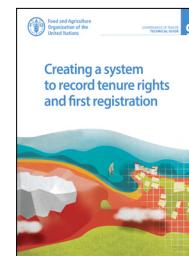
[The legal assessment tool](#)



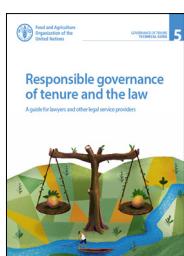
[Voluntary guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security](#)



[Governing land for women and men](#)
A technical guide to support the achievement of responsible gender-equitable governance of land tenure



[Creating a system to record tenure rights and first registration](#)



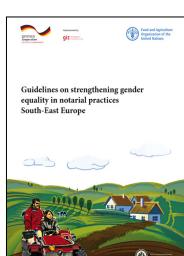
[Responsible governance of tenure and the law](#)
A guide for lawyers and other legal service providers



[Improving ways to record tenure rights](#)



[FAO Gender and Land Rights Database](#)



[Guidelines on strengthening gender equality in notarial practices – South-East Europe](#)

The regional guidelines on strengthening gender equality in notarial practices offer quick and easy steps, and checklists to help notaries exercise due diligence in the services that they provide under the law, by identifying and protecting the rights of all women and daughters with a legal interest in the service. They also provide additional information for notaries wishing to enhance their knowledge and understanding of the gender implications of the services that they provide, and tips on how to engage in advocacy.

COMING SOON

- Regional Guidelines on strengthening gender equality for registration offices in South-East Europe
- National trainings for the implementation of the Regional Guidelines on strengthening gender equality in notarial and registration practices South-East Europe

PARTNERSHIPS FOR GENDER EQUALITY IN LAND OWNERSHIP AND CONTROL

SDG INDICATOR 5.a.2 REPORTING PROCESS AND METHODOLOGY

REPORTING PROCESS



Legal experts from relevant national institutions scan all existing legal provisions to determine the existence of six proxies considered international good practice in guaranteeing gender equality in land ownership and control.

THE SIX PROXIES COVER:

PROXY A

Joint registration of land is compulsory or encouraged through economic incentives for married and/or unmarried couples.

PROXY C

Equal inheritance rights for women and girls.

PROXY E

Protection of women's land rights in contexts where the law has explicitly recognized customary law.

PROXY B

Spousal consent for land transactions.

PROXY D

Allocation of financial resources to increase women's ownership and control over land.

PROXY F

Mandatory quotas for women's participation in land management and administration institutions.

FAO, as the custodian agency computes the results and calculates the percentage of countries where progress is being made in legal frameworks (including customary law) guaranteeing women's equal rights to land ownership and/or control. The methodology was endorsed by the Inter-agency and Expert Group on SDG Indicators (IAEG-SDGs) in November 2017 and the indicator was upgraded to TIER II.

ACHIEVING SDG INDICATOR 5.a.2 IN THE WESTERN BALKANS AND BEYOND



WESTERN BALKANS REGIONAL INITIATIVE

The Western Balkans regional initiative addresses the challenges faced regarding women's access to land ownership and control. In the Western Balkans, multi-stakeholder gender teams consisting of land administration specialists, government policy makers, gender officers, local NGOs and notaries have been established to support the process of strengthening gender equality and social inclusion in property rights.

In 2013, the sex-disaggregated data produced by each country indicated low levels of female ownership of land. Governments within the region were surprised to learn that female ownership of land in some places was as low as 3 percent, and not more than 30 percent in most cases. The use of existing property registration data demonstrated that such information could be instrumental in informing dialogue with policy makers on gender equality in property rights.

PARTNERSHIPS AND RESULTS

Since 2015 and the adoption of Agenda 2030, the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), GmbH on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ), the FAO, and the International Union of Notaries (UINL) have been focusing their efforts on two primary objectives:

- 1 facilitating country reporting and monitoring under SDG indicator 5.a.2 on gender equality in land ownership and control;**
- 2 contributing to the implementation of SDG indicator 5.a.2 by working with local agents of change.**

On Objective 1, the results of the legal assessments carried out in the years 2015-2016 have been updated in early 2020 to support the next round of SDG reporting. These assessments were carried out using FAO's Legal Assessment Tool (LAT) for gender-equitable land tenure which is specifically designed to implement the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of national food security (VGGT) principle of gender equality and to facilitate country reporting under SDG Indicator 5.a.2. Applying the LAT has helped identify some of the legal and technical impediments to women's access to land ownership, and brought to light some implementation challenges.

On Objective 2, FAO and GIZ have partnered with UINL to identify the capacity needs of notaries and registration offices in the region and to help bridge the implementation gap identified under Objective 1. A workshop was organised, bringing together representatives of the ministries of justice in the region, notaries and registration offices. This forum allowed local practitioners to share their experience, challenges and solutions, and has helped development partners provide integrated and targeted support, rooted in local realities and with the aim of implementing the VGGT and SDG 5.a.2. This collaboration has led to the publications of the "Guidelines on strengthening gender equality in notarial practices – South-East Europe". FAO, GIZ and UINL are now supporting the national adaptation of these guidelines to tailor them to the national legal frameworks and specificities of each country.



PARTNERSHIPS FOR GENDER EQUALITY IN LAND OWNERSHIP AND CONTROL

THE LEGAL ASSESSMENT TOOL (LAT) INCORPORATES THE SIX SDG PROXIES AND ENCOURAGES COUNTRIES TO PRIORITIZE THE LEGAL REFORMS NECESSARY TO ACHIEVE GENDER EQUALITY

REPORTING PROCESS FOR SDG INDICATOR 5.a.2 IN THE WESTERN BALKANS

COUNTRY LEVEL

Indicator 5.a.2 builds on FAO's Legal Assessment Tool (LAT) for gender-equitable land tenure. The LAT involves assessing the extent to which a country's policy and legal framework supports gender-equitable land tenure arrangements by testing that framework against 26 indicators drawn from international consensus, in particular the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and internationally accepted good practices, including the VGGT.

The LAT incorporates the six SDG proxies, and allows countries to plan, prioritize and implement the legal reforms necessary to achieve gender equality both in law and in practice. While not a requirement of the SDG indicator 5.a.2 reporting process, countries in the Western Balkans have applied the LAT as a first step towards SDG reporting, to take stock of the progress made towards gender equality in land ownership and control and identify areas where further reforms are needed.



REGIONAL LEVEL

At the regional level countries have shared the results of the SDG Indicator 5.a.2 assessment and the LAT through regional meetings and joint publications. This has helped establish and maintain support for legal and administrative reform and other efforts to be undertaken in each country.

The SDG Indicator 5.a.2 assessment and the LAT helps countries to identify similarities and share best practices, as well as learn from each other's experiences.

ACHIEVING SDG INDICATOR 5.a.2 IN THE WESTERN BALKANS AND BEYOND

IN SUPPORT OF THE 2030 AGENDA

SDG indicator 5.a.2

FAO, German Development Cooperation, UINL, United Nations Economic Commission for Europe (UNECE), the World Bank Group and other development partners are supporting the Western Balkans region to strengthen gender equality in land ownership and control and contributing to the implementation and reporting on SDG indicator 5.a.2.

STORIES FROM THE NOTARIES

Notaries within the region have identified cases where women have lost their ownership of land due to either a lack of legislation or standardized procedures by legislative bodies or due to the persistence of discriminatory customs. In a large number of cases, women have relinquished their property rights due to social pressure, and on occasions due to the belief that they did not have the right to own land.



Launching of GIZ project "Strengthening the economic empowerment of women", November 2019, Tirana, Albania.

LOOKING FORWARD

Within the German Development Cooperation, GIZ Open Regional Fund - Legal Reform continues to support ministries of justice, notary chambers and registration offices in South East Europe to implement the legal framework for the economic empowerment of women, to enable notaries to take into account the rights of women in cross-border transactions and to apply gender equality in the daily work of notaries and registration offices through technical assistance, regional exchange, capacity development and awareness raising.



Validation workshop Western Balkans Improving gender equality towards SDG 5.a.2
14 September 2018, Rome, Italy

The UINL is committed to playing a critical role in achieving target 5.a.2. Within the FAO-UINL Memorandum of Understanding, signed on 8 January 2016 the UINL is providing technical support to the national adaptation of the Regional guidelines on strengthening gender equality in notarial practices. Additionally, UINL is developing a new VGGT Technical Guide on the role of notaries in supporting the implementation of the Voluntary Guidelines on the Responsible Governance of Tenure.

The FAO multidisciplinary team is committed to supporting countries to monitor and assess progress under SDG indicator 5.a.2, including by supporting cross-regional cooperation and knowledge sharing between different regions.



PARTNERSHIPS FOR GENDER EQUALITY IN LAND OWNERSHIP AND CONTROL

RESULTS OF THE LAT INDICATORS/SDG PROXIES IN THE WESTERN BALKANS

In January 2020 the LAT was applied again, in accordance with the official methodology used for SDG reporting under Indicator 5.a.2.

LAT INDICATOR	ALBANIA	BOSNIA AND HERZEGOVINA	SERBIA	NORTH MACEDONIA	MONTE NEGRO	KOSOVO*	THE LAT METHODOLOGY
18(a)	Joint registration of land is compulsory or encouraged for married couples	3	0	2	2	2	3
18(b)	Joint registration of land is compulsory or encouraged for unmarried couples	0	0	2	2	2	2
17(a)	Spousal consent is required for land transactions	2	0	2	2	2	3
17(b)	Partner consent is required for land transactions	0	0	2	2	2	3
20(a)	Equal right of male and female surviving spouses or partner to a share of the deceased estate	2	2	2	2	2	2
21(a)	Equal right of male and female surviving spouses to a lifetime user right to the family home	0	0	0	0	0	2
22(a)	Equal right to inherit for sons and daughters	2	2	2	2	2	2
22(b)	A right of sons and daughters to inherit equal shares	2	2	2	2	2	2
9	Financial resources are allocated to increase women's ownership and control over land	1	1	0	0	0	0
10	Quotas are established for women's participation in land management and administration institutions	2	2	2	0	0	0

*References to Kosovo shall be understood in the context of Security Council resolution 1244 (1999)

SUMMARY OF RESULTS FROM THE SDG 5.a.2 REPORTING QUESTIONNAIRE IN SERBIA (2020)

PROXY A	Joint registration	Present
PROXY B	Spousal consent	Present
PROXY C	Inheritance	Present
PROXY D	Allocation of funds	Not Present
PROXY E	Customary systems of land tenure	NA
PROXY F	Quotas	Present

High levels of guarantees of gender equality in land ownership and/or control in the legal framework.

Total number of proxies present in the legal framework:

- none one two three four five six

ACHIEVING SDG INDICATOR 5.a.2 IN THE WESTERN BALKANS AND BEYOND

GENERAL RECOMMENDATIONS

Take stock of progress made since the last assessments and SDGs reporting, and prepare for the next round of SDG reporting.

Introduce the digital connection of registers to simplify the work and coordination between the notaries and registration offices.

Amend the legislation to ensure the right of the surviving spouse to a lifetime user right to the family home.

In countries where the law generates property rights and obligations for cohabitating partners, facilitate the identification and registration of such rights.

Support the measurement and implementation of SDG indicator 5.a.1 to ensure that real estate cadastres collect sex-disaggregated data on land owners and on other land rights holders.

National Chambers of Notaries should formally adopt the guidance contained in the national annexes to the “Regional guidelines on strengthening gender equality in notarial practices” to clarify the obligations of notaries in relation to gender equality and harmonise practices across all notarial offices.





PARTNERSHIPS FOR GENDER EQUALITY IN LAND OWNERSHIP AND CONTROL

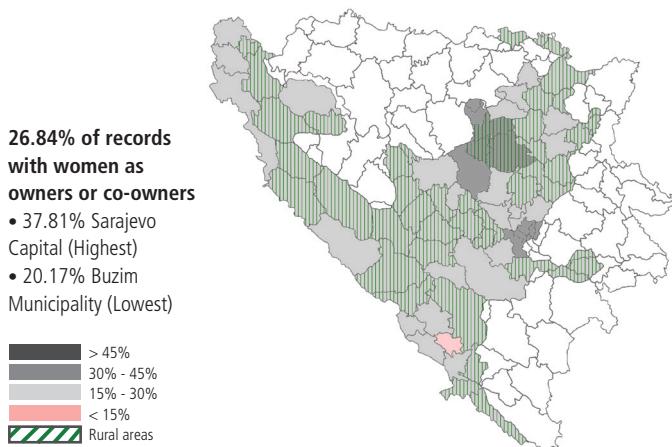
GOOD PRACTICES FROM THE WESTERN BALKANS

- Gender disaggregated data is generated from the property registration and cadaster IT systems in the Western Balkans.
- Spousal consent is mandatory for any transaction involving matrimonial property - spouses manage and dispose of matrimonial property jointly and consensually in Albania, Serbia, North Macedonia, Montenegro and Kosovo*.
- The default property regime for property acquired during a legally established consensual union (cohabitation) is co-ownership or joint ownership in Bosnia and Herzegovina, Montenegro, Serbia, North Macedonia and Kosovo*.
- The joint registration of land jointly owned by married couples is compulsory or encouraged through economic incentives in Albania, Montenegro, North Macedonia and Serbia.
- Simplified procedure for ex officio joint registration of both spouses (joint ownership), based on the marriage certificate and on the statement of both spouses for subsequent registration of unregistered spouse for properties obtained during the marriage in Serbia as of 8 June 2018.
- A reduction of the property registration fee has been introduced in Serbia through an incentive tax costing just a token fee of EUR 3, aiming to stimulate and increase women's ownership and control over land, in cases when both spouses/partners are registered as co-owners of the property and for the property registration of people with disabilities (Serbia's Law on Public Administration Taxes).
- Nominated authority to lead the reporting on SDGs Indicator 5.a.2. in North Macedonia, Serbia.
- Mobile registration service centers were established in Serbia and Bosnia and Herzegovina, Republika Srpska.
- In Albania, the Law 111/2018 “On the cadaster” makes the joint registration of marital property compulsory. It was followed by adoption of Order No. 1150 dated 3 June 2019 which sets forth the procedure for correcting immovable property files data when the corresponding portion of ownership between spouses was registered in the name of one of the spouses only.
- Notaries and the Agency for Real Estate Cadastre are organising open days for providing free legal and professional assistance to citizens in North Macedonia.
- Civil registers and Property Registers are interoperable, which facilitates inheritance procedures and transfers of ownership in Serbia, Albania and Kosovo*. This is also planned in Bosnia and Herzegovina.
- The project has raised awareness of the benefits of registering both spouses in all the Western Balkans.
- The Regulation on Amendments to the Regulation on Determination of Awards and Fees for Notaries in Bosnia and Herzegovina, Republika Srpska establishes a discount of notary fees when spouses acquire or transfer matrimonial property.
- Kosovo* has adopted Administrative Instruction (GRK) No. 02/2020 for registration of joint immovable property on behalf of both spouses free of charge. The joint registration is encouraged through economic incentives in Kosovo*, since the Cadastral Agency do not apply fees for registration if both spouses request the joint registration.

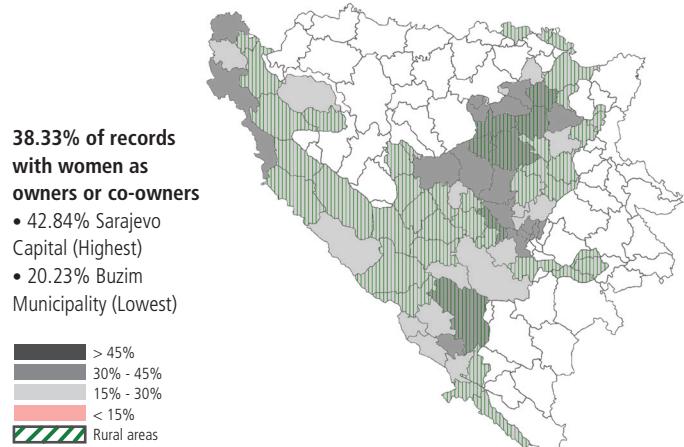
ACHIEVING SDG INDICATOR 5.a.2 IN THE WESTERN BALKANS AND BEYOND

THE IMPACT IN NUMBERS 2013 vs 2019

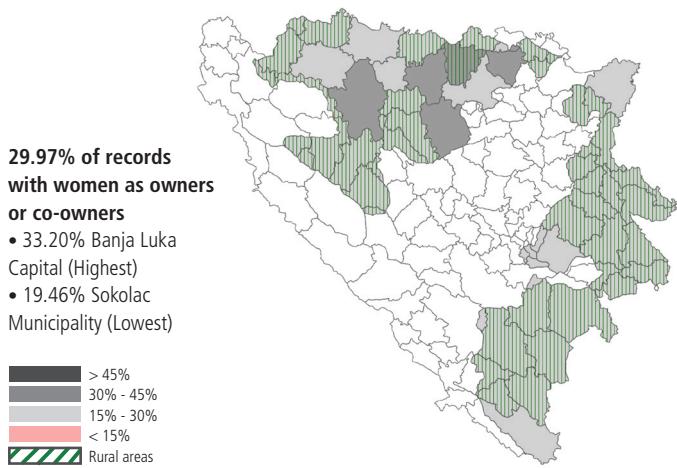
BOSNIA AND HERZEGOVINA, FEDERATION OF BOSNIA AND HERZEGOVINA, 2013



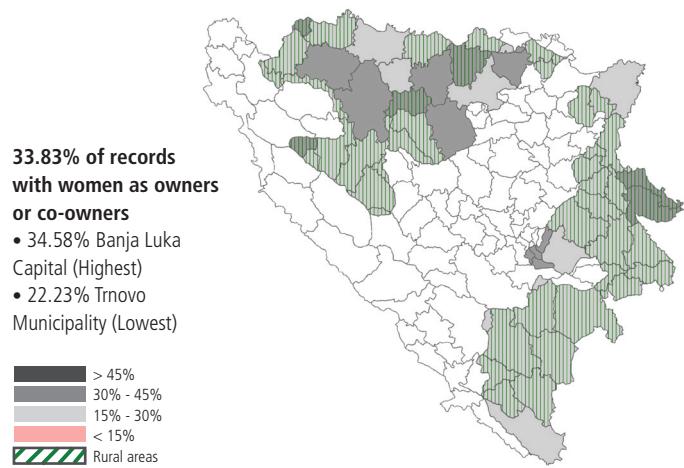
BOSNIA AND HERZEGOVINA, FEDERATION OF BOSNIA AND HERZEGOVINA, 2019



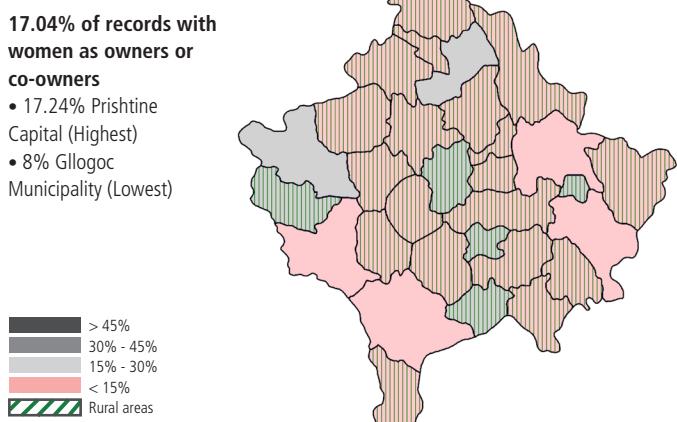
BOSNIA AND HERZEGOVINA, REPUBLIKA SRPSKA, 2013



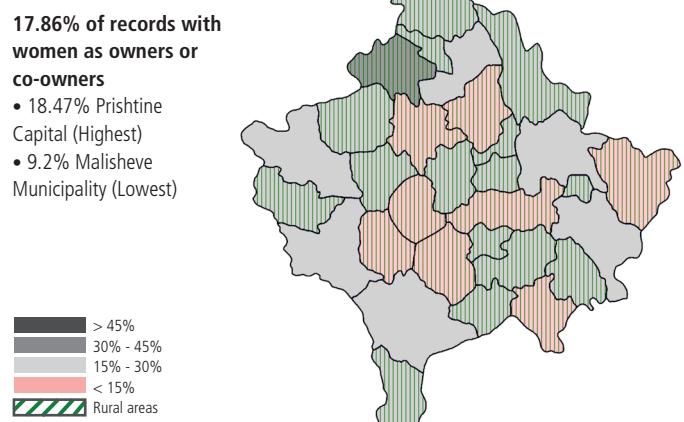
BOSNIA AND HERZEGOVINA, REPUBLIKA SRPSKA, 2019



KOSOVO*, 2013



KOSOVO*, 2019



*References to Kosovo shall be understood in the context of Security Council resolution 1244 (1999)



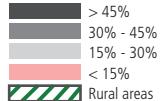
PARTNERSHIPS FOR GENDER EQUALITY IN LAND OWNERSHIP AND CONTROL

THE IMPACT IN NUMBERS 2013 vs 2019

MONTENEGRO, 2013

25.99% of records with women as owners or co-owners

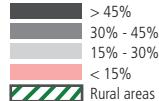
- 31% Podgorica Capital (Highest)
- 15% Rozaje Municipality



MONTENEGRO, 2019

32% of records with women as owners or co-owners

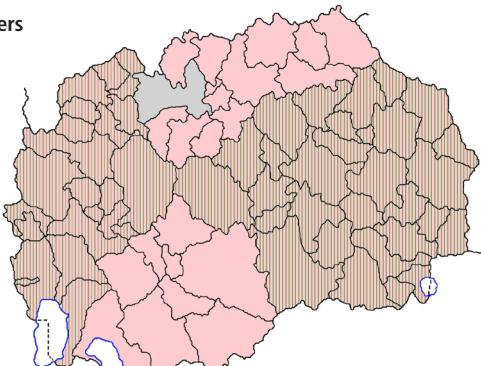
- 37% Southern region (Highest)
- 24% Northern region (Lowest)



NORTH MACEDONIA, 2013

16.63% of records with women as owners or co-owners

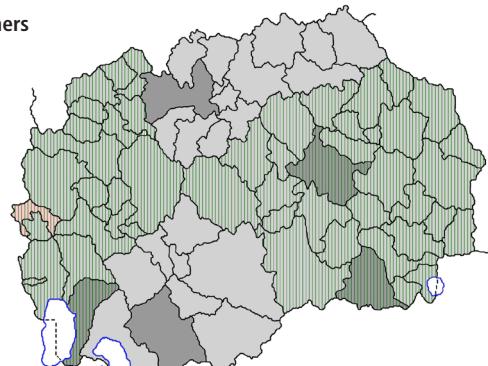
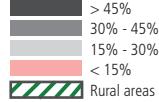
- 18% Skopje Capital (Highest)
- 7% Poloska Municipality (Lowest)



NORTH MACEDONIA, 2019

27.27% of records with women as owners or co-owners

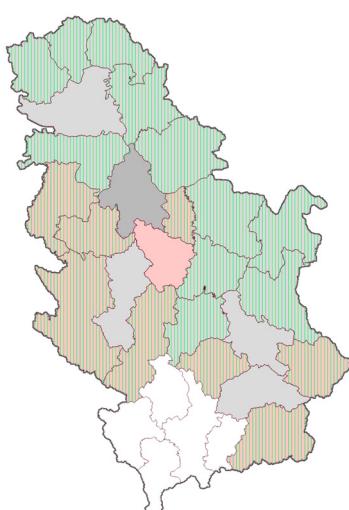
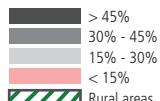
- 34.01% Skopje Capital (Highest)
- 13.96% Poloska Municipality (Lowest)



SERBIA, 2013

31.73% of records with women as owners or co-owners

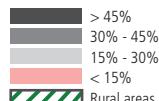
- 35.72% - Belgrade
- 51.3% Stari Grad Municipality (Highest)
- 13,38% - Presevo Municipality



SERBIA, 2019

35.50% of records with women as owners or co-owners

- 39.47% - Belgrade
- 58.44% Ada Municipality (Highest)
- 14,73% - Presevo Municipality



ACHIEVING SDG INDICATOR 5.a.2 IN THE WESTERN BALKANS AND BEYOND

LOOKING BEYOND THE WESTERN BALKANS: LEGAL ASSESSMENTS IN THE SOUTH CAUCASUS

In early 2019, the governments of Azerbaijan, Armenia and Georgia expressed interest in carrying out a review of their national legal frameworks against the proxies of SDG Indicator 5.a.2. Following on from this successful collaboration in the Western Balkans, FAO and GIZ extended their partnership to the South Caucasus to facilitate reporting under SDG indicator 5.a.2.

1. Presentation of the LAT and SDG reporting methodology to representatives of national land administration institutions and statistics offices, organisations involved in the promotion of gender equality and other relevant stakeholders.

These workshops provided an opportunity to take stock of the progress achieved and the steps taken by national governments to strengthen gender equality, both under the law and in practice. Whilst all three countries have adopted gender strategies and engaged in legal reform, the participants identified a number of persisting cultural and administrative barriers to the achievement of gender equality in land ownership and control. These discussions provided a sound basis for an in-depth analysis of the policy and legal framework against the proxies of SDG indicator 5.a.2, and to encourage national discussions around the policy, administrative and legal options available to accelerate the achievement of gender equality in practice.



2. In collaboration with the relevant national institutions, identification of teams of national legal experts, with experience in property law and human rights.

These experts were trained on the assessment tools and methodologies to ensure consistency in the review of national legal frameworks. Over a period of 20 days they collected all relevant instruments, including policies, draft policies, laws, draft laws and regulations, and screened these documents to determine whether the proxies have been integrated into the legal framework or are in the process of being integrated through the adoption of policy measures or legal reform. The results of the assessments confirm that although some guarantees of gender equality in land ownership and/or control exist in the legal framework, countries in the region should continue their efforts to achieve higher levels of guarantees and ensure that in practice men and women benefit equally from the protections afforded by the law to their property rights.

3. Presentation of the results and validation

The results were presented in early 2020 at national workshops in Azerbaijan and Georgia. The national workshop planned in Armenia has been postponed due to the outbreak of COVID-19.

Azeri workshop



PARTNERSHIPS FOR GENDER EQUALITY IN LAND OWNERSHIP AND CONTROL

LAT RESULTS

LAT INDICATOR		Armenia	Azerbaijan	Georgia
18(a)	Joint registration of land is compulsory or encouraged for married couples	0	0	0
18(b)	Joint registration of land is compulsory or encouraged for unmarried couples	0	0	0
17(a)	Spousal consent is required for land transactions	2	2	0
17(b)	Partner consent is required for land transactions	0	0	0
20(a)	Equal right of male and female surviving spouses or partner to a share of the deceased estate	2	2	2
21(a)	Equal right of male and female surviving spouses to a lifetime user right to the family home	2	0	0
22(a)	Equal right to inherit for sons and daughters	2	2	2
22(b)	A right of sons and daughters to inherit equal shares	2	2	2
9	Financial resources are allocated to increase women's ownership and control over land	0	0	0
10	Quotas are established for women's participation in land management and administration institutions	0	0	0

THE LAT METHODOLOGY

- 0 Absence of proxy
- 0.5 A policy is being developed that incorporates the proxy
- 1.5 A policy is in place, incorporating the proxy
- 1 A policy is in place, incorporating the indicator
- 1.5 Draft legislation (bill or otherwise) contains the indicator
- 2 The proxy appears in primary law
- 3 The proxy appears in secondary legislation
- NA The proxy is not applicable



ACHIEVING SDG INDICATOR 5.a.2 IN THE WESTERN BALKANS AND BEYOND

PARTNERSHIPS FOR
GENDER EQUALITY IN LAND
OWNERSHIP AND CONTROL

2020

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