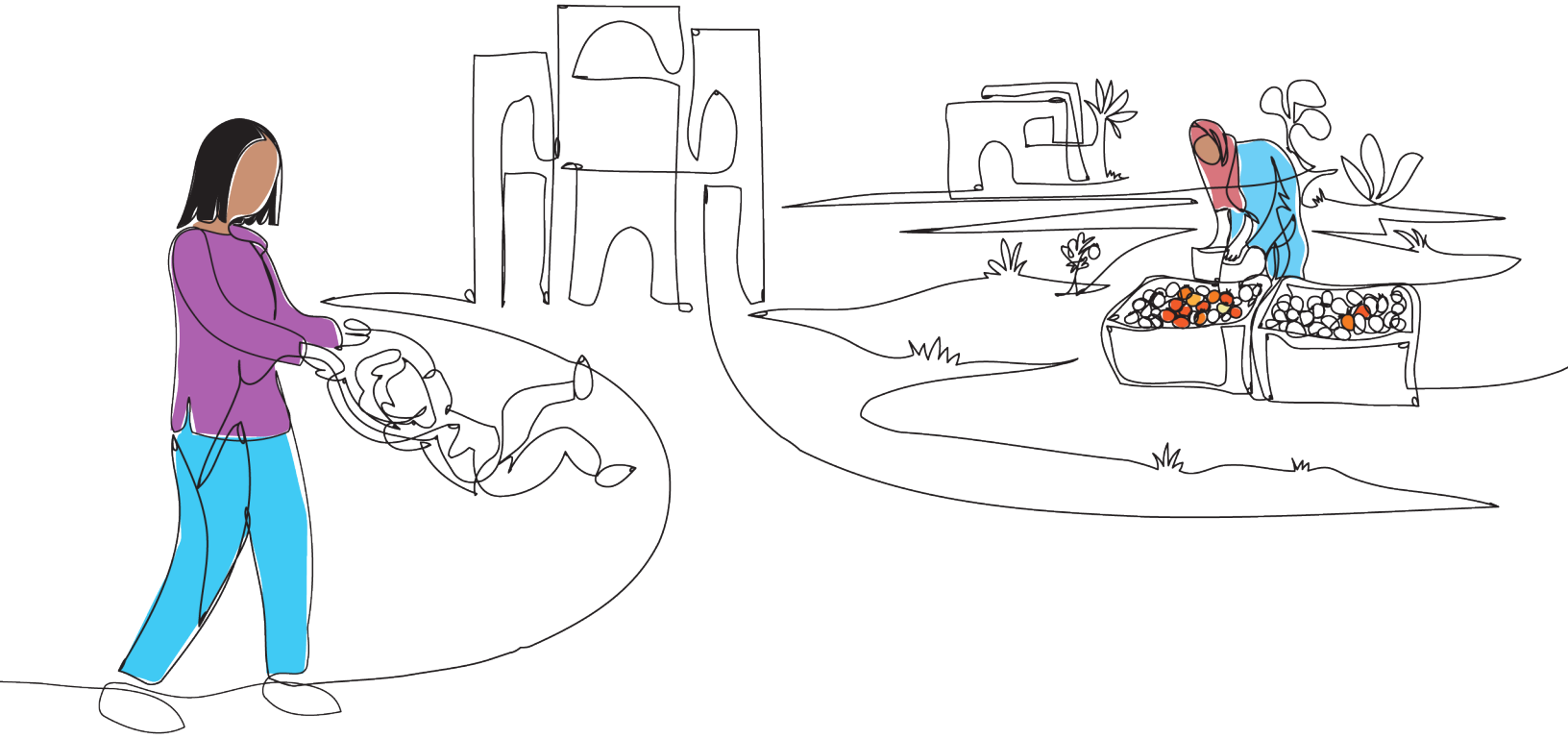


Empower and Improve the Life of Women by Protecting their Land, Housing and Property Rights in the Arab Region

KEY MESSAGES



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United Nations Human Settlements Programme (UN-Habitat)
P.O. Box 30030, Nairobi 00100, Kenya
Tel: +254 20 762 3120
Fax: +254 20 762 3477
www.unhabitat.org

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Task Manager: Ombretta Tempra
Authors: Ombretta Tempra and Eleonora Francesca Serpi
Main contributors: Rafic Khouri, Everlyne Nairesiae and Siraj Sait
Other contributors: Doaa El Sherif and Tala Kammourieh
Layout: Eleonora Francesca Serpi
Graphics: Peter Cheseret

ABOUT THE KEY MESSAGES

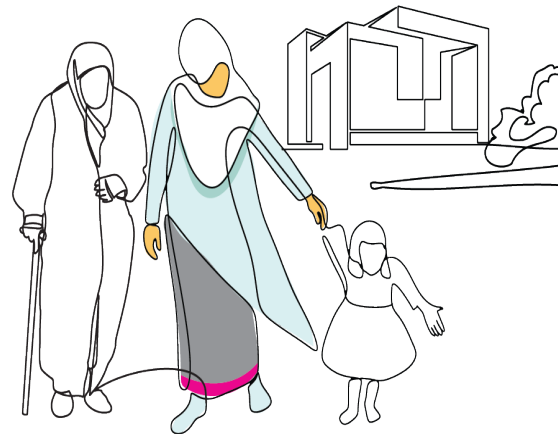
This set of key messages on “Empowering and Improving the Life of Women by Protecting their Land, Housing and Property Rights in the Arab Region” was developed based on the field experience of [UN-Habitat](#) and [Global Land Tool Network](#)’s partners in the region. The messages are a quick reference on how to empower women, improve their lives, and ensure that they are better able to play their role in advancing social and economic development and peace in their communities, for the benefit of themselves, their families and the society as a whole.

The messages are relevant for the different categories of women and girls.

For more information, please consult the referenced documents, visit the [Arab Land Initiative](#) and [GLTN](#) web sites, or reach out directly by writing to: unhabitat-arablandinitiative@un.org or unhabitat-gltn@un.org

WHY

WOMEN'S HOUSING, LAND AND PROPERTY RIGHTS MATTER



Improving women's HLP rights in the Arab region is a matter of urgency. Women's access to, use of and control over land, and other productive resources, has proved to benefit a broad range of social, economic, and peacebuilding goals.

When women have housing, land and property rights...

...they are more likely to enjoy a range of interconnected human rights, including adequate housing, protection from forced eviction, adequate standard of living, health, and work.

...they are more likely to have the financial security they need to provide for themselves and for their families. The household welfare increases, children have better chances to be educated, and there is a long-term improvement of the household's conditions.

...their autonomy and self-determination increases, improving their lives and their ability to plan for old-age support.

...the power relations within the household are rebalanced. This enables women to have a bigger say in the household's decisions and to exit violent relationships.

... the agricultural productivity and the overall food production increases.

...their participation in decision-making processes within the families, the communities, and the overall political debate increases.

When women have housing, land and property rights in displacement and crises-affected contexts...

...they are better protected from violence, extreme weather conditions and other health hazards.

...their vulnerabilities are reduced, and they are better able to manage the negative economic and social impact of conflicts, when they often become the breadwinners of households and the caregivers to those in need.

...they are better able to provide for themselves and their families and to cope with the lack of family support. This helps limiting women's engagement in sexually risky behaviour, reduces their vulnerability to HIV, and helps them cope with the social and economic impact of HIV at the household level.

...their participation in decision-making and their engagement in peace processes increases. This leads to more sustainable peacebuilding efforts, to a better likelihood of peace agreements to be implemented and to longer lasting peace.



TO INCREASE WOMEN'S ACCESS TO HOUSING LAND AND PROPERTY RIGHTS IN THE ARAB REGION

Women in the Arab region can access a wide range of land tenure options spread along the continuum of land rights. Such tenure options can be individual or joint with family or community members, and more or less secure, depending whether formalized and recorded or just protected by customary and social norms. Substantial national and local variations exist in the processes and tenure options through which women access land. To identify the most suitable option, it is necessary to recognize the diversity of women and identify their specific needs. How to increase women's enjoyment of their housing, land and property rights in the region:

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

- Raise awareness among women and men 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 land rights at the time of marriage

- 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 and men's land rights through joint marital property;
- Promote or make compulsory the registration of marriages through written marital contracts, and promote joint property arrangements for married couples;

- Ensure that marital contracts include different property regimes options, dower (mahr) arrangements, and define the conditions for settlement in case of divorce;
- Promote the inclusion of joint marital property in the national legal and administrative frameworks;
- Consider setting the joint marital property as the default option if couples do not indicate their preferred property regime;
- Develop the capacities of all stakeholders involved in contracting marriage, including couples to be and their families, and other key actors involved in dispute-resolution processes related to marriage and divorce to deal with land and marital property issues.

Protect women's inheritance rights

- Raise awareness on the existing statutory and religious inheritance laws and on the importance of inheritance to fight the negative attitude towards women claiming their inheritance rights;
- Develop the capacities of all stakeholders dealing with inheritance processes and related land issues;
- Promote a holistic approach to estate planning and complementary mechanisms to access land and property (will, dower, gifts, etc.);
- Combat and regulate renunciation practices through the provision of information, financial and legal aid, and practical support to enable women claiming their inheritance rights in courts or alternative dispute-resolution systems.

Strengthen women's rights of use to land and housing

- Strengthen collective and individual rights of use to grant women immediate land tenure security that can be reinforced over time while more durable solutions are being developed;
- Regulate and promote the use of written 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 (individual and joint ownership, lease agreements, occupancy contracts, etc.);

Provide practical support for women and women groups

- Establish information and support centres to help women identify different land 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 issues.

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

- Support women's access to justice and to land dispute resolution mechanism, including 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 accessibility to legal information by simplifying, popularizing, and translating documents to local languages;
- Take into consideration the need for women of having access to non-confrontational land dispute resolution mechanisms that do not jeopardize their family relationships.

Improve land administration

- Remove practical and logistical barriers limiting or keeping women from accessing land administration services (e.g. cost, need of travel, office hours, establishing dedicated desks for women, etc.) and establish decentralized land administration offices, mobile services, services for women, etc.;
- Promote a gender-responsive 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 sector.

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 laws etc.;
- 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 practical in terms of time, scale, cost, sustainability, capacity and acceptance by the local actors, etc., and can reach a greater number of women in the shorter time while offering the necessary protection from eviction and other hazards. The risks posed by the selected tenure option 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.



HOW

TO INCREASE ACCESS

TO HOUSING, LAND AND PROPERTY RIGHTS FOR WOMEN IN DISPLACEMENT AND CRISES-AFFECTED CONTEXTS

The Arab region is home to 50 million people who need humanitarian assistance, including nearly 14 million forcibly displaced (OCHA June 2020). More than half are women. Their pre-existing vulnerabilities have been exacerbated by conflicts, displacement, and the breaking down of family, community, and institutional support systems. In such contexts, upholding women's housing, land and property rights significantly contributes to women's protection and to their ability to overcome the circumstances and rebuild their lives and societies out of crisis. Increased and coordinated efforts must reach as many women as possible in a timely and effective manner.

What can increase access to housing, land and property rights for women in displacement and crises-affected contexts?

In addition to the actions included in previous sessions, targeted interventions include:

- 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 shorter 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 arrangements, 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 issuing of written housing, land and property documents, such as written tenancy and lease agreements.
- Advocate for and support the (re)issuing of civil documentation - such as identity cards, marriage certificates, death certificates, etc. – which are needed to formalise housing, land and property rights.
- Support the retrieval of housing, land and property documents and the reconstruction of HLP rights in the areas of origin, as a preparation for return, restitution or compensation.
- Establish information and support centers at the grassroots level to help women identify the land tenure options available to them and how to access them.
- Provide legal counselling and assistance on HLP rights and other matters of priority.
- Ensure that women are empowered to participate and lead land-related processes – such as land and return commissions, etc. – and that such processes do not discriminate against them.
- Collect and analysing sex-disaggregated data on issues faced by women in accessing land and other the land-related dynamics.
- Integrate interventions aimed at securing women’s housing, land and property rights in other humanitarian efforts designed to increase livelihoods opportunities and economic empowerment for women IDPs, refugees and host communities.



HOW

TO PROMOTE WOMEN'S EMPOWERMENT AND PARTICIPATION IN DECISION MAKING

The Arab region is the poorest performer regarding gender equality in social institutions (OECD's SIGI 2014), which include formal and informal laws, social norms, and practices. Most of its countries are positioned in the highest discrimination level, and no country is in the very low level. The COVID-19 pandemic widened further the gender gap, as women are more exposed than men to the economic fallout of the crisis and to already high rates of domestic violence (OECD 2020). The discussions around the 20th anniversary of UN Security Council Resolution 1325 highlighted the close correlation between sustainable peace and women's active participation and leadership in peace negotiations and mediation processes. Further attention should be paid to how women's insufficient empowerment and participation in the region contributes to the degeneration of the peace and security situation in many Arab countries.

The nexus between housing, land and property rights and women's empowerment and participation in decision making has two key dimensions: one related to the enjoyment of their HLP rights and one to their participation in land-related processes.

Empower women through increasing their access to housing, land and property rights

Housing land and property rights are an essential precondition for women to feel safe, respected and legitimate members of their families, communities and societies. Land and property rights are a crucial factor in defining and enhancing women's status and participation in municipal planning, community decision-making and even local elections. As such, they are an essential enabler of women's empowerment and participation.

Increase women's participation in land-related processes

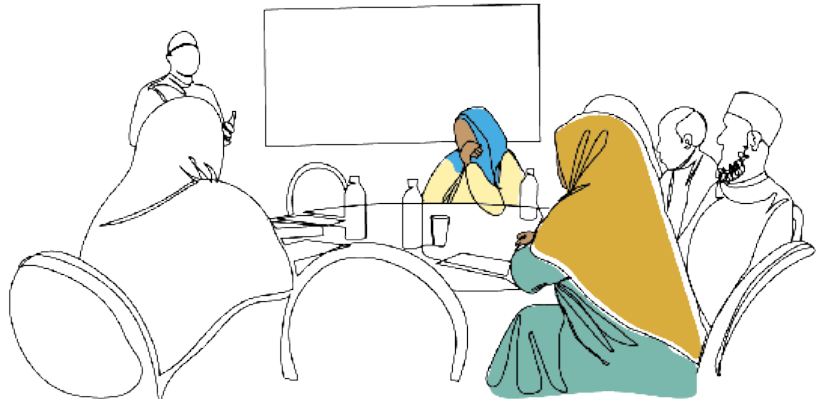
On the other hand, it is important to ensure women are empowered to meaningfully engage and participate in land-related processes, such as land administration and land management and also peace negotiations, implementation of peace agreements, and restitution or compensation in conflict-affected contexts.

To this effect it is important to:

- 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.
- Promote, strengthen and develop the capacities of women and women's associations to participate in land-related processes (e.g. management of land and land-related resources, land dispute resolution, land policy reform processes, etc.).
- Ensure women's participation in peace negotiations, land conflicts resolution mechanisms, and land-related commissions to make sure women's grievances and needs are addressed during the negotiations.
- Collect and analyse sex-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.

WHAT

ISLAMIC LAW SAYS ON WOMEN'S HOUSING, LAND AND PROPERTY RIGHTS?



In the Arab region, Islamic land law informs practices and permeates national laws. Islamic principles are incorporated into land-related laws and regulations, which present many commonalities and multiple national variations. One of the main challenges encountered is that Islamic land law is often misinterpreted by justice administrators and communities, leading to the enforcement of gender discriminatory practices under the wrong assumption that they are Islamic principles. It is important to note that, according to Islamic law:

- Women possess independent legal, economic and spiritual identity with respect to access to land and property.
- Women have the right to acquire, hold, use, administer and dispose of property including land. This may arise from purchase, inheritance, gifts and dower (mahr) transferred to a wife from her husband at the time of marriage.
- Women can hold land titles individually and jointly.
- There are no jurisprudential impediments that prevent joint marital property from being integrated in the marital contract - a civil agreement without sacramental connection - through clauses or separate agreements.
- Marriage is a spiritual, social and legal contract between two independent legal entities who have equal rights to negotiate terms, including property regimes and access to land, through the marital contract.
- Women retain control over pre-marital property and finances throughout marriage and, when applicable, after divorce and in case of widowhood.
- At the time of marriage, the groom must pay a mandatory contractual amount (mahr) to the bride, or agree to pay at later date, in the form of movable and/or immovable property, including land. Mahr is exclusively the wife's property and does not waive her right to joint marital property.

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) and women 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 form 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.

SDG11. Make cities and human settlements inclusive, safe, resilient and sustainable

Target 11.1. By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums.

Indicator 11.1.1. Proportion of urban population living in slums, informal settlements or inadequate housing.

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