The Gender Strategy for National Land Policy Implementation
FOREWORD

Uganda’s National Land Policy which was approved by Cabinet in February 2013 provides a framework for articulating the role of land in national development, land ownership, distribution, utilization, alienability, management and control of land in Uganda. This is intended to ensure that the country transforms from a peasant society to a modern, industrialized and urbanized society for the next ten years.

Land is central to human existence and contributes greatly to social economic transformation and development of the country. The Land Policy articulates a number of reforms geared towards having a streamlined land sector which contributes to growth in agriculture, industrial and other productive sectors.

As Government pledged to implement the National Land Policy in a sequenced and phased manner, the Ministry of Lands, Housing and Urban Development developed a costed three year Implementation Action Plan taking into consideration the strategies and actions to be implemented. The action plan prioritizes twelve areas and one of them is the development of programs aimed at protecting and improving women’s secure rights and access to land.

To ensure that what was pledged in the land policy regarding protection and enhancement of the land rights of vulnerable persons including women and children, through undertaking remedial actions against historical and cultural injustices and inequalities is implemented, a National Gender Strategy on land has been developed by the Ministry of Lands, Housing and Urban Development. This Strategy is to guide implementation with actionable undertakings by the many sector stakeholders so as to ensure that all land rights and other gender-related reforms are included in programme design, planning, budgeting and implementation.

I am confident when this Gender Strategy is implemented and we realize secure rights to land, women and girls can improve food security, education, health, and economic development for themselves, their families, and the entire community. Gender equity and equality in land tenure relations is critical for the achievement of the goals and objectives of our national development agenda as outlined in the National Development Plan, Vision 2040 and NRM Manifesto. Improving women’s access to land and control over economic resources including land has a positive effect on a range of development goals, as well as reducing poverty and contributing to social economic transformation of the country.
The Government is committed to providing an enabling policy environment through establishment of relevant structures and provision of sufficient financial support to ensure that the Gender Strategy on Land is fully implemented. Other stakeholders are called upon to partner with the Ministry and other relevant agencies in the implementation of this strategy so as we may be able to realize gender mainstreaming in the land sector, transform those norms that reinforce gender inequalities, and improve gender equity and equality in the processes, institutions and activities of land tenure governance in Uganda. When all this is done, we shall be able to achieve the vision, goals and objectives of the National Land Policy.

Finally, I wish to thank UNHabitat/GLTN for supporting my Ministry in implementing the National Land Policy, particularly the support that was earmarked for the development of the National Gender Strategy for Land. I am also indebted to all those who contributed to the development of this strategy, particularly the stakeholders whose views shaped strategy; the Consultant who prepared the strategy; the team of land experts for the invaluable input; and the National Land Policy Working Group for the strategic guidance given to the development of the strategy.

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LIST OF ACRONYMS AND ABREVIATIONS

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1.0 INTRODUCTION

1.1 Background

Uganda’s National Land Policy presents an opportunity for protecting and enhancing the land rights of vulnerable persons through provisions that expressly seek to undertake remedial actions against historical and cultural injustices and inequality between men and women. The policy environment in Uganda further embraces gender equality and equity through the National Gender Policy (2007) and the Constitution (1995). The Land Act (1998) on the other hand, introduced legal reforms to operationalize the positive constitutional provisions largely through exclusive and the spousal consent provisions and affirmative action representation quotas for land governance institutions. However, these efforts have largely remained on paper and have drawn limited practicability on the side of policy and legal implementation. There is a glaring gap between policy and legal text and the reality of implementation on the ground. Adequately addressing the gender differences that exist across Uganda’s land sector requires proactive, targeted strategic planning and resources direction to ensure that positive policy and legal provisions translate into real progress in gender equality and equity for all vulnerable persons in the country. To ensure that the National Land Policy is not victim to the trend of high sounding statements and dismal achievements, a Gender Strategy to guide implementation with actionable undertakings by the many sector stakeholders is critical to unlock the policy’s potential and ensure uptake of all land rights and other gender-related reforms in programme design, planning, budgeting and implementation.

The Ministry of Lands Housing and Urban Development (MLHUD) with support from the United Nations Office for Project Services (UNOPS) through Global Land Tool Network (GLTN) is implementing measures and reforms which aim at attaining the vision, goal and objectives of the National Land Policy. Part of this support has been earmarked for developing a Gender Strategy for land policy implementation to guide sector stakeholders on key issues that require redress and possible appropriate actions in order to achieve the objectives of the National Land Policy. It is important from the outset to emphasize that MLHUD has a responsibility in the sector to give guidance to many land sector actors on the manner in which the NLP benefits can trickle down to deserving citizens; and, this strategy is crafted with that spirit in hindsight. In addition, the sector has never had a consolidated sector specific strategy on gender, which has often
created a problem of attribution of actions and results in trying to discern progress made on the gender equality front.

The Gender Strategy for NLP Implementation is presented the following chapters, namely:

- **Chapter 1:** Introduction with a background and rationale for the strategy;
- **Chapter 2:** Current status of gender and land rights in Uganda with legal/policy achievements, synthesis of the gap in implementation and an analysis of constraints to gender equitable land tenure relations; ending with key considerations of the gender strategy for NLP implementation.
- **Chapter 3:** The strategic direction of the gender strategy for NLP implementation with a vision, goal, objectives and actionable interventions;
- **Appendices:** Include the TOR and a Glossary of Key terms/words used in the strategy.

### 1.1 Rationale of the Gender Strategy for NLP Implementation

Land is a critical resource for both women and men in Uganda. It has multiple values and functions, and this overlapping multiplicity makes it even more critical for people’s livelihoods. Land is not only a material and productive resource that enables survival, livelihoods and agricultural production; it is also a symbolic resource that heavily influences status and identity. Across Uganda, many women tell a similar tale: they till the land produce the food, yet lack secure rights to land, including being denied equal rights to inheritance. With secure rights to land, women and girls can improve food security, education, health, and economic development for themselves, their families, and the community. Gender equity and equality in land tenure relations is critical for the achievement of the goal and objectives of our national development agenda. Improving women’s access to and control over economic resources including land has a positive effect on a range of development goals, including poverty reduction and economic growth.

Translating policy and legal proclamations into strategic actions to achieve gender equity and equality in land tenure governance, requires the translation of many proclamations and rhetorical statements in various calls for a transformative agenda to move to actions and activities. It also embodies moving beyond the norm of formal land rights to substantive land rights that can be attained in secondary and other forms validated by legitimacy and practice rather than law only. Such a reflective stock-taking of actions and activities that deliver for women and vulnerable groups, implies reviewing what has been achieved on the ground from the 20 years of reforms along key milestones such as the Beijing Declaration and the Platform for Action (1995), the Uganda Constitution (1995) etc.

The outcomes of the above review would clearly show the urgent need for strategic and actionable interventions to realize gender equality and gender equity in land tenure relations and the extensive gender disparities in access to, use of and control over land. The ultimate response therefore is the adoption of a holistic approach to gender equity and equality land tenure relation that rests on the following commitments:
• gender mainstreaming in the land sector;
• examining, questioning and transforming those institutions and norms that reinforce gender inequalities;
• designing mechanisms, strategies and actions which need to be adopted to improve gender equity and equality in the processes, institutions and activities of land tenure governance;
• Considerations at all stages of policy, law and programme development, including in assessment and analysis, programme planning and design, budgeting and financing, implementation, monitoring and evaluation.

2. The current status of gender and land rights in Uganda

2.1 Constitutional and legal achievements

(a) The Constitution 1995
The 1995 Uganda Constitution, heralded far-reaching policy and legal reforms aimed at securing women’s land rights, advance gender equality and women’s empowerment. First and foremost where the principles of non-discrimination, gender equality and women’s empowerment enshrined in the policy and legal frameworks. Specifically in:

• Article 21: all persons are equal before the law in all spheres of political economic, social and cultural life and in every other aspect and shall enjoy equal protection of the law.
• Article 31 (1) of the Constitution entitles women and men to equal rights during and after marriage.
• Article 32 of the Constitution provides for affirmative action in favor of groups marginalized on the basis of gender or any other reason created by history, tradition or custom.
• Article 33(4) states that the state shall provide facilities and opportunities necessary to enhance the welfare of women to enable them realize their full potential and advancement.

While the Constitution provides for gender equality, it does not specifically or explicitly recognize women’s land and property rights.

(b) The Land Act Cap 227
The Land Act Cap 227 contains several provisions that provide for security of tenure and safeguard the land rights of women and children. The most significant are section 28, which outlaws discrimination against women and children in respect of ownership, occupation and use of any land and section 40 which requires mandatory consent by spouses to transactions involving matrimonial land (where the family ordinarily resides) and land from which the family derives sustenance. The provision also covers minors, dependents, children of majority age and orphans. The Land Act also provides for mandatory representation of women on land tenure governance institutions as follows:

• Uganda Land Commission: at least one female member out of 5 members.
• District Land Boards: one third of the membership must be women.
• Area Land Committees: at least one third of the membership must be women (out of 5) members.
• Communal Land Management Associations: at least one third female members.

(c) The National Land Policy (NLP) 2013

The NLP commits itself to “redress historical injustices to protect the land rights of groups and communities marginalized by history or on the basis of gender, religion, ethnicity and other forms of vulnerability to achieve balanced growth and social equity”. One of its core principles is, “Equity and justice in access to land irrespective of gender, age, disability or any other reason created by history, tradition or custom”. NLP stresses the importance of considering socially and culturally acceptable tenure relations as a means of expanding opportunity for rights for women and other vulnerable groups. It also commits to ensuring recognition, strengthening and education on rights of women, children and other vulnerable groups in all existing and emerging land tenure regimes. In describing the tenure systems in Uganda, NLP recognizes that the structure of tenure and the attributes of the bundle of rights under the mailo, freehold, leasehold and customary regimes shall be guided by the principles of a good tenure system which must, among other things, ensure equity in the distribution of land resources and eliminate discrimination in ownership and transmission of land resources.

The NLP makes specific commitments to action as follows:

• Para 37: (ii) Guarantee that the transfer of land under all tenure regimes does not deny any person rights in land on the basis of gender, age, ethnicity, social and economic status and (iii) Ensure equity in the distribution of land resources, and preserve and conserve land for future generations;

• Para 41: Government shall: (i) Modify the rules of transmission of land rights under customary land tenure to guarantee gender equality and equity and (iii) Make provision for joint ownership of family land by spouses;

• Para 42: (iv) Develop guidelines and procedures under customary land law for the allocation and distribution of land complying with the principles of equality and natural justice;

• Para 65: (a) Government committed itself to protect by legislation the right to inheritance and ownership of land for women and children, and (b) Government, further committed to ensure that both men and women enjoy equal rights to land before marriage, in marriage, after marriage and at succession without discrimination. In an elaborate manner para 65 becomes operational in 66, 67, 68 as follows:
  o 66: To review and regulate customary law and practices in
access to and ownership of land, Government will:
(i) Ensure rules and procedures relating to succession
do not impede transmission of land to women
and children;
(ii) Educate and sensitize the public on discrimination
against women and children with respect to
access, use and ownership of land;
(iii) Review and regulate customary rules to avoid
violation and abuse of family land held in trust
for the family;
(iv) Restore the power of traditional leaders in
matters of land administration, conditional on
their sensitivity to rights of vulnerable groups;
and
(v) Ensure that the head of family is held to account
on his/her fiduciary duties over family land
held in trust.

67: To redress gender inequity and inequality to inheritance
and ownership of land in statutory law, Government will:
(i) Design and implement a regime of matrimonial
property law aimed at the protection of spouses;
(ii) Make legal provision for joint or spousal co-
ownership of family land and the matrimonial
home;
(iii) Amend the succession Act Cap 162 to provide
for the right to succession and inheritance of
family land by women and children;
(iv) Amend the Land Act Cap 227 to restore the
consent clause to protect children below 18
years; and

68: To ensure that women are fully integrated in all
decision-making structures and processes in access to and
use of land, Government will take special measures to:
(i) Mainstream gender into development planning so
as to improve the status of women;
(ii) Domesticate all international conventions ratified
by Government of Uganda which outlaw
discrimination against women and children and
enforce all the principles therein;
(iii) Support the implementation of the Equal
Opportunities Commission as a specialized
institution to advocate for and, where relevant,
implement strategies in the National Land
Policy; and
(iii) Solicit the support of faith based institutions and
cultural leaders to accept and implement
measures in the National Land Policy designed
to protect the rights of women and children.

• In para 73, the government commits that (a) Legislation and
management practices shall accord all vulnerable groups equal
land rights in acquisition, transmission and use of land and (b) The
State shall regulate land markets to curtail distress land sales and
ensure that the land rights of the vulnerable groups are protected.
To operationalize this para 73, Para 74 and 75 detail the following strategies:

- **Para 74.** To protect the rights of all vulnerable groups, Government will take legislative and other measures to:
  - i) Guarantee that access to land, by way of transfer or transmission, is not denied on the basis of gender, disability, ethnicity, social or economic status;
  - ii) Prevent the appropriation of the land rights of vulnerable groups through regulation and control of the land markets;
  - iii) Mitigate the distress land sales involving persons infected and affected by HIV/AIDS and terminally ill persons;
  - iii) Sensitize and encourage vulnerable groups to hold their ownership rights and interests in family or community trusts; and
  - v) Mainstream gender, HIV/AIDS and disability interventions in strategic land sector activities.

- **Para 75.** To protect the land rights of internally-displaced persons, Government will take special measures to:
  - i) Consider restitution of land, housing and property or adequate compensation or resettlement; and
  - ii) Put in place mechanisms and structures for claiming restitution, compensation or resettlement.

- **Para 102:** (iv) Develop mechanisms for full and effective participation by land owners and users, especially women, in all land rights administration functions;

- **Para 116:** (vii) Provide free legal aid to the vulnerable sections of society through a system of partnerships and incentives to private and civil society organizations to deal with the ever increasing land litigation.

These provisions detailed above are the driving force for this strategy and entail a commitment to action that needs to be realized through this strategy.

### 2.2 The gap between policy, legal proclamations and implementation

The NLP laments fact that women generally unable to own or inherit land due to restrictive practices under customary land tenure. In general, customary practices in some areas of the country continue to override statutory law in recognition and enforcement of women’s land rights. Attempts to redress this situation by outlawing discriminatory cultures, customs and practices in land ownership, occupation and use, and requiring spousal consent to transactions have not been effective due to failure in implementation and enforcement. The glaring gap between formal land rights/dejure land rights and substantive land rights/defacto land rights. NLP also points out the gender disparities in access to, use of and control over land and associated resources. The gender structure of land rights in Uganda varies across the country but is highly unequal with women’s rights being less secure than those of men, with major consequences for women.
In addition, available statistical data on women’s land rights and the status of gender in land matters is confusing and unhelpful. Given the fact that there is no available data on women’s status on customary land, whereas on registered land women’s ownership of land is stated between 5%-26% of registered land. This absence of sex-disaggregated data on land and ownership presents a barrier to developing effective policies and programmes to redress gender inequalities in land ownership. It is also a fact that although women constitute 52% of the Ugandan population and contribute 70-80% to the agricultural labour force, a small percentage of women own land:

- Evidence shows that particularly for rural women, this gender inequality of access to the key productive asset is a fundamental determinant of poverty and social disadvantage.
- Gender inequality is intimately related to women’s poverty, experience of domestic violence and exclusion.
- Gender inequality in land ownership is attributed to male preference in inheritance, male privilege in marriage and gender inequality in the land market.

A number of laws and legal instruments reviewed are found to be discriminatory such as the Divorce Act and the Succession Act. The predominance of customary laws and practices which discriminate against women (in respect of marriage, divorce and inheritance) is common. There is a lack of access to remedies, information or decision-making processes. A lack of awareness of rights across the board for both women and men. It is also common practice for land tenure rights to be recorded in the names of men, leaving women dependent on their male relatives for tenure security. Even where collective tenure rights can include women, the decision-making processes are dominated by men.

2.3 Constraints to gender equity and equality in land tenure relations

Gender relations determine differences in the relative status and power of women and men. Gender and gender roles shape the opportunities and constraints that women and men face in securing their livelihoods, including the access to land, decision-making about land, and the institutions that administer land. Gender equity and equality in the governance of land tenure ensures that women and men can participate equally in their relationships to land, through both formal institutions and informal arrangements for land administration and management.

Women and men have three general mechanisms for obtaining rights to land: (1) through social and kinship relations at the local level, (2) on the land market, or (3) from the state. These mechanisms are embedded in institutions that create, modify, and influence land tenure systems: socio cultural institutions, state institutions, and market economy. An examination on how they influence land tenure rights is useful in understanding gendered rights to land and in proposing and implementing gender-sensitive laws, policies and programmes. All three institutions influence and interact with each other in determining the specific tenure relations of a society. In all of these institutions, it is important to understand the gender differences in land rights, uses and priorities, what rights men and women claim, and women’s needs.

Although they comprise 43 percent of the agricultural labour force in developing
countries and nearly half of agricultural labour force in parts of Africa and Asia (FAO, 2012), women are significantly less likely to own land than men and the land they own is usually smaller and of poorer quality than that owned by men. Several reasons lie behind the gender disparity in ownership, access and control of land.

**Customary norms and institutions related to land access and rights**

Customary laws have significant implications for women’s rights to land. Cultural prohibitions against women’s ownership of land are often more powerful than statutory law that allow women to own land. These norms may determine which rights to land a woman can exercise freely: for example, women may have a right to use a parcel of land or the right to gather a fruit from it but not the right to bequeath it through inheritance a right limited to their brothers and husbands.

In all customary tenure regimes in Uganda women’s land rights are secondary to and weaker than those of men. Both men and women have rights to ancestral land. Men gain rights by membership in lineage and their rights last for life. In contrast, women gain rights through a relationship with a male of that lineage (often her father or husband). This means that women’s rights to land are weaker than those of men. These rights may change in scope or duration when relationships change because of marriage, separation, death, or because the husband marries another wife. Women’s rights to land may be contingent on other cultural practices and norms attached to those relationships, such as payment of bride price at marriage or bearing a male heir. Under customary law and marriage practices residence after marriage is patrilocal (the couple and their children live in the husband’s community and family land is handed over from father to son. Women who marry into the community do not have rights to their husband’s family land or community land.

Women may have more difficulty than men enforcing rights because of a lack of information among customary leaders, communities, and the women themselves; limited access to decision makers; or their lower status within the community. Furthermore, a woman may have less influence over how her rights to land are exercised because of her sub serviette role in the household. In addition, land is usually transferred through inheritance, and it is almost always men who inherit the land. Land generally handed down from father to son; if a man does not have any sons, his brother, nephew or another man relative in his lineage often inherits his property. Daughters do not inherit land from their fathers, even though they are of the same lineage. Marriage and divorce practices many times also create barriers to women's land rights. In the unlikely case that a female inherits from her father, it is only use rights that are inherited; such use lasts only for as long as she remains unmarried and it cannot devolve to her heirs. Generally, women do not have the right to sell land unless they purchased that land in their own names, which is a rarity. Because the men in the community usually control land allocation, they are able to claim individual rights when land scarcity converts land into an asset and when family land becomes private property.

**Formal legal framework and institutions**

Two sets of legal framework and institutions governances and ownership issues for community and private land; the formal and the customary enforcement of the law is sporadic, systems and attempts by women to have the law enforced can be painfully difficult. Reasons for this failure of enforcement include conflicting
legislation, institutional weakness, and the pervasive influence of gender bias. While the land law guarantees gender equality with regard to land rights, other laws, such as family or personal laws, undermine or directly contradict the concept of equal rights by not giving wives equal rights to marital property or daughters equal inheritance rights. Even where legislation is generally positive towards women’s land rights, the institutional structures, capacities, internal coordination, and attitudes are often weak. The state also lacks, or is unwilling to commit, resources to advocating, promoting, enforcing, and protecting women’s rights to land and property. In the absence of state institutions to enforce equal rights for women as well as other laws, local customs, norms and practices predominate.

Although the Land Act does not explicitly recognize women’s rights and prohibits discrimination, based on gender, there is ineffective implementation and enforcement. There is glaring gap between de jure and defacto protection of women’s right to land. Implementation is too often hindered by socio-cultural norms and women’s lack of knowledge of their entitlements. Other laws such as the family law and the inheritance law are inconsistent with the Constitution which guarantees equal rights-sections of the Succession Act and the Divorce Act were declared inconsistent with the Constitutional provisions by the Constitutional Court. Legislative intervention alone cannot provide women with independent and effective land rights if they are not accepted and enforced culturally and socially.

**Socio-cultural difficulties with women exercising land rights**

Social norms about appropriate behavior and roles for women do prevent them from realizing land rights conferred by customary or formal laws. Claiming a right to land may result in household conflict and the loss of support from extended family, social costs that women may not be unwilling or unable to bear women’s secondary status, lower socialization, undervalued productive work, and illiteracy in many communities often make them reluctant to claim legal rights and participate in those institutions and activities seem as men’s domains.

In addition, women incur significant social costs for going against cultural norms, these costs include social ridicule and the possible loss of social benefits. In some cases a backlash of domestic violence occurs against women who claim their land rights. Wives and daughters may not insist on having their names included on the title to household land because of potential conflicts with husbands or their family.

Moreover, even when women have rights under the law, such as inheritance rights, women may not claim the rights because of their preferences to have long-term social support from brothers and other family members rather than secure an asset that may not provide long-term economic security. Other more structural constrains include women’s low literacy (including legal literacy) and lack of skills in the official language.

Customary biases often mean that women will not have the ability to exercise their rights until there is a shift in the thinking attitudes, and understanding of men.
Customary norms frequently do not give equal ownership of land to women and are typically resistant to change these power equations. Legislation to address this exists, but there are several limitations to implementation, including conflicting legislation, inadequate regulatory and management systems, inadequacy of institutions to implement changes at the local level, staff and community antagonism to women’s equal rights, and a lack of will or resources to address gender bias. Women often do not possess the financial resources, knowledge and capacity to go against social norms and may not exercise their legal rights. Formal land titling programmes may also ignore the need for gender equity if it is not an explicit objective of the programmes.

The attainment of gender equity with regard to land rights consequently depends not only on legal recognition of those rights but also overcoming social and cultural constraints. Some useful instruments include regulations for implementing formal land, property, and family legislation in ways that address gender bias with regard to land access and land rights; legal education programmes for women and men; legal assistance programmes; gender training for programme implementers and programme beneficiaries, and last (but most important), participation by women in designing, planning and implementing programmes.

Land market

Market economy institutions also play a significant role in allocating land rights. Market economies are generally based on private property rights and the marketability of these rights. Consequently, land rights are usually acquired through the market (for example by buying, selling and leasing) at market values.

Capital (either savings or access to credit) is a requirement to purchase land on the market, and thus the ownership of assets is crucial. Women who wish to participate in the market, particularly those from landless and smallholder families are unlikely to have such assets. If they engage in wage work, their earning power is generally insufficient to accumulate savings. The productive work they perform in their household is usually unremunerated. Men will most likely control the few assets that the low-income households own. In addition, women often lack information on the land market, such as the availability of parcels for sale and land prices. For these reasons, women find it more difficult than men to participate in the land market. Within the process of market formation, however, the increasing privatization of land rights general has a negative effect on women’s traditional rights to access land. Customary societies find it more difficult to enforce their rules and practices for allocating community land, based on the need to provide land to community households for their welfare and sustenance. During this transition period, what is regarded as customary norms and practices begins to change as social actors adapt their behavior to changing conditions, often at the cost of groups, such as women and minority ethnic groups, who are considered secondary members of the community.

2.4 Key Considerations of the Gender Strategy
Having analyzed the commitments of the NLP on gender and discussed the constraints for equity and equality in land tenure relations, the following issues emerge as pertinent to the gender strategy:

1. **Women are not homogenous**: While most policy documents and legal instruments refer to women as a group, women are a heterogeneous group with varied opportunities and challenges shaped by multiple characteristics (e.g., religion, ethnicity, geography, economic class, marital status) that define their experience. For example, the experience, circumstances and opportunity of young adult women is not the same as that of elderly widows. The strategy needs to differentiate actions for the different classes or sub social groups of women with a view to embedding equalizing efforts that embrace the greater majority of this socio-economic group.

2. **Power and Social Relations**: Deeply ingrained socio-cultural practices and power imbalances play a major role in undermining women’s access to, use of and control over land. It is important to examine the distribution of land rights by gender because, it is one dimension along which inequalities exists and is a contributor to prevalence of inequality. Gender equality is not a women’s issue but also an issue that affects everyone and achieving equality will benefit both women and men – socially, politically and economically. Specific consideration of gendered land relations requires assessing the multifaceted relations and power dynamics that underpin land governance systems and practices.

3. **Women and Human Rights**: Lack of access to land has a negative impact on the enjoyment of various human rights. In order to ensure that women enjoy their rights, a broad conceptualization of land rights and access to productive resources that is pro poor, gender inclusive and responsive to human rights is vital. Equitable access to land is a human rights issue as the UN Economic and Social Commission on the Status of Women states “land rights discrimination is a violation of human rights” (Report of the Forty Second Session (2-13 March 1998). Women’s rights to land – these rights entail the ability of women to own, use, access, control, transfer, inherit and otherwise take decisions about land and related resources. They also encompass women’s rights to secure land tenure and to meaningfully participate at all stages of and law, policy and programme development from assessment and analysis, programme planning and design, budgeting and financing, implementation, to monitoring and evaluation. Women must be meaningfully included in the design and implementation of policies, programmes, projects and other interventions to secure their land rights.

4. **Legal Plurality**: Recognizing and understanding the legal plurality governing women’s rights to land is critical for assessing the gender relations that mediate access to, control of and benefit from land, and is central to identifying potential interventions to redress inequitable gendered property relations. This plurality also
plays into the effectiveness of solutions especially those that require institutional enforcement. In addition not all laws are in harmony. Harmonization is important to ensure that any gaps in legal frameworks or legal protection are appropriately filled and that existing laws and policies do not discriminate against women or otherwise prejudice their situation owing to either conflict or incoherence.

5. **Law is not enough:** For a law to be enforceable women need legal awareness (knowledge of what is legally possible), legal information (specific and detailed knowledge for example how to record land rights and engage inland transactions) and legal empowerment (the social and institutional ability to assert claims and secure rights). Legal solutions are effective only if they are socially accepted and enforced. This strategy realizes the fact that Legal reform is not the full answer, and thus a need to complement law reform with awareness raising and legal literacy. Changing attitudes and awareness raising must go along with any attempt to enforce formal legal rights. There are limits of law in engendering social transformation and we must engage in other types of strategies to bridge the gap between law and practice.

6. **Address bias and discrimination:** Because of the legacy of historical inequalities, structural disadvantages, biological differences and biases in how laws and policies are implemented in practice, formal equality is not enough to ensure that women are able to enjoy the same rights as men. To achieve substantive equality, therefore, requires both direct and indirect discrimination to be addressed. It also requires specific measures to be adopted that redress women’s disadvantages and, in the longer term the transformation of institutions and structures that reinforce and reproduce unequal power relations between men and women.

7. **Engage entire populations and Groups:** There is need to engage entire populations, communities or groups, including men, boys and traditional leaders to ensure that the benefits of women’s land rights to entire community are understood by all. There is need to change mind-sets, especially among men, and engage men in becoming active change-agents themselves.

8. **Inheritance:** Is the majority route for acquiring and access land and its resources in Uganda. The male gender is guaranteed land rights for life by virtue of membership in a lineage. This custom and practice has to be gradually modified to attain equality by engaging the custodians of communities and groups, especially cultural leaders and faith-based organizations or institutions that hold the residual power in determining inheritance matters. The targeting of such institutions beyond formal state institutions and their arrangements is particularly important, as these drive practice and determine enforcement of rights for women.

9. **Evictions:** Women as care takers of households in urban and peri-urban areas are facing the brunt and brutal force of escalating
evictions, with significant loss of secure housing and other psycho-social effects, environmental safety and household nutrition.

10. **Women’s Economic Advancement**: The achievement of substantive equality requires action in two inter-related areas; redressing women’s socio-economic disadvantage, and strengthening women’s agency, voice and participation. Therefore, a gender transformative approach to reducing gender disparity is recommended as it explicitly engages both women and men to examine, question and change those institutions and norms that reinforce gender inequalities. The achievement of gender equality in practice, especially for poor women and those marginalized requires the dismantling of structural barriers to their economic achievement.

3. **Strategic Direction for Gender Equality in NLP Implementation**

3.1 **Vision, Goal and Objectives of the Gender Strategy**

The vision of the NLP is: ‘*a transformed Ugandan society through optimal use and management of land resources for a prosperous and industrialized economy with a developed services sector*’. The goal of the policy is: ‘*to ensure efficient, equitable and optimal utilization and management of Uganda’s land resources for poverty reduction, wealth creation and overall socioeconomic development*’. This strategy is designed for the fulfillment of Government of Uganda’s commitments to gender in service of and for the realization of the above vision and goal.

The goal of this strategy therefore is:

*“to ensure that women, men, and vulnerable persons are guaranteed access, control, use and inclusion in the management of land resources in order to derive equity and equal opportunity to transform their lives”.*

**Strategic Objectives**

1. Create a level ground and/or equal terms upon which men and women can make, hold and enjoy legitimate land rights claims.
2. Build the capacity of men and women to participate effectively and on equal terms in decision making processes concerning land management and administration.
3. Build the capacity of persons working in customary and statutory land management and administrations institutions to operationalize, respect and enforce provisions of policy and law concerning gender equality.
4. Strengthen and streamline the collection, analysis and use of gender (sex) disaggregated information/data in the land sector.
5. Promote and build partnerships with other institutions/stakeholders for the effective implementation of the strategy.
3.2 Guiding Principles of the Gender Strategy

The Gender Strategy is premised on the following guiding principles:-

i. Gender equality: The strategy will ensure the equal rights of women and men to land rights, while acknowledging differences between women and men and taking specific measures aimed at accelerating defacto gender equality where necessary, and ensuring that women and girls have equal tenure rights and access to land, independent of civil and marital status.

ii. Gender equity: Recognizing that equality between men and women may require acknowledging differences between men and women, and taking positive action, including empowerment, in order to promote equitable land tenure rights and access to land for all women and men, youth and vulnerable and traditionally marginalized people.

iii. Nondiscrimination: No one should be subject to discrimination under law and policies as well as in practice.

iii. Transparency & participation: The processes and institutions for land tenure governance should be transparent, consultative and participatory. The strategy calls for active, meaningful and effective participation which is free and informed—at all stages of law, policy and program development.

3.3 Strategies and interventions

The full enjoyment of land rights by women and other vulnerable groups must be secured through a variety of tools and a series of discrete steps: recognizing rights
(through policies and laws, awareness raising), recording rights (registration &
titling, certification), and defending rights (access to justice and legal aid) and
realizing rights (enforcement and recognition).

1. **Ensuring effective participation of women in decision processes**

The right of women to active, meaningful and effective participation in legal and
policy development is not only crucial to ensuring good law and policy; it is also
an essential component of the human rights-based approach to land governance. In
order for participation to be active, meaningful and effective, it must first and
foremost be free and informed, and decision making bodies must be accessible to
women. It also entails the provision of information that is pertinent to decision-
making processes priority to the event of decision-making moments.

Participation also broadly entails both direct participation in decision-making as
well as effective and fair representation of women’s interests and rights in
decision-making bodies and institutions. The following actions pertain:

a) Provide for gender-sensitive physical, virtual and electronic
   platforms and mediums to facilitate the full participation of all
   categories of women, in all stages of law, policy and programme
development, including assessment and analysis, programme
planning and design, budgeting and financing, implementation,
monitoring and evaluation;

b) Provide women and women’s rights groups, traditional institutions
   and state institution charged with enforcement of women’s right
   with full, accurate and relevant information about decision-making
   processes relevant to land;

c) Put in place capacity building programmes (bottom-top) to support
   women’s participation in technical, practical, mechanical,
   procedural and methodological decisions on land-related law,
policy and programming;

d) Support women’s access to information and training so as to prepare
   them for engagement in participatory processes in land-related law,
policy and programming;

e) Training women on their rights to increases their awareness of the
   claims they can make, rights that need to be protected and
   opportunities for enhancing their social, economic and political
   capital off land in decision-making processes;

f) Support women’s access to gender-sensitive programs for economic
   empowerment.

2. **Combating intersectional and multiple forms of discrimination**

Women are not a monolithic group and they may be differentially impacted by
intersectional and multiple forms of discrimination. Women are differentially
impacted by discrimination related to marital status, economic status,
widowhood, abandonment, racial/ethnic identity, health status, geographical
location, disability, age, displacement or other status. Each of these groups of
women encounters different barriers with respect to their ability to access, use and
control land, and each must be considered within the scope of policy and
programme development, including in assessment and analysis, programme
planning and design, budgeting and financing, implementation, monitoring &
evaluation. The NLP recognizes the land rights of women, children, ethnic
minorities, pastoral communities, dwellers in informal settlements, landing sites and slums, as well as other vulnerable groups, including persons living with or affected by HIV, persons with disabilities, and internally displaced persons.

   a) Reorient state institutions and agencies, cultural/traditional and religious institutions, to recognize the dividends for eliminating discrimination and bias to women on access to, use, ownership and development of land and its resources;

   b) Involve institutions and agencies, cultural/traditional and religious institutions identifying marginalized groups with respect to access to, use of and control over land, and to develop specific protection measure for them — including temporary special measures;

   c) Develop mechanisms and tools for a bottom-up baseline assessment, informed by grass-roots perspectives, to measure the status of women on land especially those on customary tenure and devise tools for protection of their rights to land;

   d) Design implementation plans that recognize the special position of women of particularly marginalized or excluded women and provide specific resources and budgets to support all categories of marginalized women to have equal access to land and associated resources;

   e) Design specialized programming and outreach to support women’s access to land regardless of their personal or marital status;

   f) Design and implement specialized programming which recognizes social, cultural, economic and political difference amongst women.

3. Harmonizing existing laws, policies and programmes
   Women’s access, use and control land are best protected when laws and policies pertaining to these rights are harmonized and comprehensive. Most women gain access to land primarily within the context of marriage and the family and within the context of inheritance. This means that many types of laws are relevant to the protection of women’s land rights, including marriage and family law (which addresses issues of marital property, divorce and inheritance) as well as land law, and property law.

   a) Design and implement a program for a harmonized legal regime to support the implementation of women’s land rights, their recognition in conformity with international human rights standards and their inclusion in the management of productive resource residual on land by reviewing and amending laws, policies and programmes across Ministries, Departments and Agencies of Government;

   b) Design and implement a program to harmonize tools and mechanisms for protection women’s land rights as they transition along the path of life (single, married, divorced, separated and at death) including but not limited to JLOs Institutions led by the Law Reform Commission;

   c) Working in partnership with JLOs agencies and other responsible departments of Government, provide guidelines for law review and amendments that recognizes women’s equal and independent right to acquire, administer, control, use land transfer property irrespective of their marital and family status;
d) Managed and steer actions for simultaneous changes to both family law and property law, to protect women’s rights to land as divorcees, separated partners or heirs;
e) Strengthen state institutions and build the capacity of traditional/cultural/religious institutions to recognize and enforce women’s rights over land.

4. Ensuring Women’s right to legal security of tenure

The NLP seeks to harmonize and streamline the complex tenure regimes in Uganda so as to ensure equitable access to land and security of tenure. It states clearly that a good land tenure system must guarantee security of tenure and must correct provisions which constitute discrimination against women. Because women most often gain access to land through their relationship with a man, widowhood and domestic violence present a serious concern from the point of view of women’s security of tenure.

a) Provide information, educate and orient state institutions and agencies, cultural/traditional leaders and religious leaders responsible for enactment and implementation of laws, policies and programmes, to recognize legal security of tenure across the “continuum of land rights” (e.g. customary, collective, leasehold, freehold, mailo) and enforce it for women on an individual basis irrespective of marital or other status;
b) Create partnership with institutions and organizations working on domestic violence to provide that victims of domestic violence with the basic right to security of tenure and “a right to reside” in their marital homes, regardless of who owns these homes;
c) The land fund when operationalized should specifically target women for purposes of acquiring and registering land;
d) Review and amend guidelines on compensation processes especially on appropriation for public purpose and public good to specifically seek out women as beneficiaries when transacting in family land (as detailed in section 40);
e) Amend the law to enable the judiciary to refer land cases to customary institutions and recognize them as courts of first instance;
f) Design and undertake a focused capacity building programs for customary/traditional institutions to handle land disputes on customary tenure in accordance with recognition of women’s land rights in law, policies and programs.

5. Protection of women against forced evictions at the hands of public and private actors

Uganda should explicitly prohibit the practice of illegal evictions; they constitute gross violations and abuse of a range of internationally recognized human rights, including the human rights to adequate housing, food, water, health, education, work, and security of the person, freedom from cruel, inhuman and degrading treatment. The basic principles and guidelines on development-based evictions and displacement provide guidance on protecting women’s and children’s rights in the context of eviction and displacement. Property grabbing or disinheritance, at the hands of private actors, may also be considered as a form of forced eviction perpetrated against women and children.
a) Partner with law enforcement agencies and law reform institutions of
government to amend the penal code, so that all forms of illegal
evictions (without an authentic court order) at the hands of both public and
private actors particularly perpetrated against women (for example,
“property grabbing”) are illegal and subject to criminal trespass;

b) Partner with agencies, departments and ministries responsible to amend the
Succession Act to impose criminal penalties on those who wrongfully
deprive rightful heirs (legal and customary) of their property, including but
not limited to a deceased spouse’s relatives to be a criminal act and subject
to criminal prosecution;

c) Create gender-sensitive and effective enforcement mechanisms, such a
special police unit, special courts, and fast track handling of land and
property cases that support women to claim their rights when they have
been subjected to forced eviction, disinheritance or property-grabbing.

6. **Legal pluralism from a gender perspective**

In Uganda, formal and customary land tenure regimes overlap in jurisdiction,
which results in situations in which more than one institution has authority over
legal rights, and multiple bodies can resolve disputes. Legal and institutional
pluralism can give rise to contradictions and ambiguities between statutory and
customary rules and legal norms. The legal regime in Uganda lacks clarity on the
dominant domain and policy scope of the customary judiciary system and the
customary dispute resolution bodies are not fully embedded in the formal body.
Legal pluralism can be disadvantageous for some groups such as the poor and
uneducated women, for whom formal state institutions are distant, expensive and
conceptually foreign. It also offers opportunities for forum shopping by those
whose financial and educational status enables them to operate in both customary
and state legal systems. Women are often disadvantaged in the contradictions and
adjustments arising between customary and statutory legal systems. Customary
law does not allow women to own land, but formal law provides for equal rights
to land ownership. The presence of different legal systems creates confusion where
different laws and customary norms and practices conflict. This makes it a
complex legal framework of overlapping rights, competing authorities and often
contradictory rules, with potential negative implications for gender-equitable
governance of land tenure when statutory laws and customary norms and
practices conflict. There is therefore need to:

a) Build capacity of all justice mechanisms, including customary
mechanisms to respect, protect and fulfill women’s rights to land,
and hold relevant authorities / institutions accountable when they
fail to do so.

b) Educate and support religious and traditional/cultural leaders to
promote gender equality.

c) Seek effective ways to bring coherence to formal, religious and
customary systems, so as to advance gender equality and women’s
empowerment, particularly as related to ownership, access, use and
control of land.

d) Educate and support all professionals in the land sector, family
justice and other productive sectors to be aware of how land laws
intersect with family laws.

e) Engage traditional institutions and local councils to recognize the
judicial appeal process that can supersede formal institutions and
processes that embrace the role of traditional institutions in actualizing women’s rights

7. **Access to justice and enforcement by women – Can this be linked to traditional justice system or at least as a referral path**

Rights mean little if they cannot be claimed and enforced. Access to justice mechanisms for women means that women are able to access legal processes that are legitimate, gender-sensitive, affordable, easy to follow and physically accessible. Furthermore, the person filing a case/claim must believe that there is a chance that the claim will have a favorable outcome or have faith in the fairness of the results. Judgments upholding rights must also be adequately enforced. For formal legal systems, evidence suggests that justice chains can become more responsive to women’s needs through one-stop shops and legal aid, investing in women service providers, and providing specialized courts and gender-sensitive judicial decision-making (Progress of the World’s Women 2011-2012: In Pursuit of Justice). State institutions and officials, however, are often reluctant to enforce women’s rights to land because of lawmakers’ and state officials’ own patriarchal values and norms.

- a) Design and conduct legal literacy campaigns that support women to benefit from and are able to access formal avenues of justice that protect their rights;
- b) Design and implement programs for women to access courts or low-cost or free legal aid and other legal services in their own language;
- c) Support non-state actors to advocate for accessible and affordable court services for all women, especially marginalized and vulnerable cohorts and sub-groups;
- d) Work with responsible departments, agencies and ministries to make the case for adequate human, financial, legal, and technical and other resources to make justice mechanisms effective for women;
- e) Design, promote and encourage the conduct of regular training on women’s equal rights to land for legal professionals, including judges, prosecutors and lawyers;
- f) Provide customary justice authorities with training on women’s rights within the scope of their jurisdiction and encourage fair decision-making about women’s land rights;
- g) Support through financial and other means, positive local initiatives which affirm women’s equal rights to land, including via community-led paralegals, watchdogs (e.g. grass-roots women’s groups) and other community-based strategies;
- h) Put in place a legal empowerment programmes to improve knowledge and awareness of customary and community leaders on women’s property and inheritance rights through training, advocacy, outreach and community dialogues;
- i) Partnerships with legal service providers and the formal justice systems to support to appeal or seek redress from formal courts of law when their land rights are threaten, abused or repressed.

8. **Promoting the positive aspects of customary systems for women**

The NLP commits to reform customary law, to modify the rules of transmission of land rights under customary land tenure, to guarantee
gender equality and equity; and to ensure that the decisions of traditional land management institutions update constitutional rights and obligations with regard to gender equality. Aspects of customs and norms that actively promote women’s rights should be promoted. The positive aspects of custom and tradition should be illuminated, cultivated and strengthened. Indeed reinforcing positive aspects of customary land tenure systems that encourage and support women’s access to land can produces positive results and outcomes.

a) Support research and community dialogues to identify and promote customs and practices that support natural justice, equity and good conscious;

b) Engage communities in discussions about gender-sensitive interpretation of religious law, customary law and statutory law;

c) Partner with civil society organizations to promote and support community awareness on good practices, norms and values that recognize and up light the rights of women to land.

9. Marital property rights and divorce
In the NLP Government commits itself to ensure that both men and women enjoy equal rights to land before marriage, in marriage, after marriage and at succession. The proposed key strategy is to design and implement a regime of matrimonial property law aimed at the protection of spouses. Marital property is a key issue in understanding the status of women’s rights related to land and property. It provides for rights within the context of marriage. Division of property in the event of death is closely related to the issue of marital property regime and is generally subjected to marriage and family law. Women’s property rights in divorce situations are critical because divorce could lead to poverty, and unequal rights in divorce are also a real barrier to women leaving abusive relationships.

a) Support judicial and law enforcement institutions to uphold the principles of equity and equality of land and property rights in adjudication, arbitration and judgement for men and women in the event of divorce and dissolution of marriage;

b) Partner with the parliamentary law office to support the enactment of the Marriage and Divorce Bill to provide for partial or limited community of property, with each spouse having equal rights to administer common property and to administer his or her own separate property and further specify that in the event of dissolution, common property should be divided equally between the spouses;

c) Support Faith-based and Cultural Institutions to handle land and property rights during divorce and strengthen them to understand and appreciate their role.

10. Working towards Gender-equitable inheritance
Inheritance has emerged as a key issue in the struggle for women’s land, housing and property rights, including within the context of HIV/AIDS, which has accelerated the practice of property grabbing, or “disinheritance “ against windows. For many women, law and/or custom too often preclude their being able to benefit on an equal footing-if at all—which makes them completely unable to tap into the economic benefits and security that inheritance can bring. Another impediment to women’s access to inheritance rights is the lack of proper
documentation in which to establish a legal basis for claims, such as birth certificates and death certificates. In the NLP Government is committed to protect, by legislation the right to inheritance and ownership of land for women and children.

a) Support law enforcement and monitoring agencies/institutions with tools and mechanisms available in the legal framework to explicitly recognize the inheritance rights of widows (and widowers);
b) Organize public sensitization and awareness-raising sessions on existing laws, so that people-especially women-know about the laws that protect them;
c) Partner with other state agencies, departments, ministries and non-state agencies to train customary authorities on statutory inheritance laws;
d) Promote community discussions on marriage and inheritance practices, friction between these practices and statutory law, and possible solutions for aligning the two

e) Develop the capacity of organizations supporting women’s rights and recognize their role in raising awareness and taking strategic interventions to support widows.
f) Support legal empowerment through better access to justice, dispute resolution mechanisms and legal support that enables widows claim their rights.
g) Promote will-writing

11. **Promoting Gender-sensitive land laws and programming**

In order for land laws and programmes to benefit women, they must be designed from the outset with an integrated gender perspective. Taking into considerations the implications for both men and women is crucial to their successful implementation and sustainability. They should take into account the particular challenges faced by women when it comes to access, use and control over land and the multiple discrimination women can face. Care should also be taken to ensure that laws that seem to be prior gender-neutral do not in practice have a negative impact on women’s rights.

a) Apply GLTN Gender Evaluation Criteria (GEC) to assess whether a large-scale tool is sufficiently gender-responsive, to identify where work needs to be done and possible entry points to make a tool equally beneficial to women and men;
b) Support the alignment of policies, laws and to be mutually reinforcing in their efforts to respect, protect and fulfill women’s rights to land, including in specific areas like land titling and registration, access to loan and credits;
c) Design mechanisms for participation and inclusion in land law and programs, including in assessment and analysis, programme planning and design, implementation, monitoring and evaluation of women’s rights, needs and perspectives;
d) Provide and support the adoption of a full range of land tools (e.g. plans, guidelines, operational manuals, training modules, land tenure instruments, land records databases, monitoring and evaluation instruments) with an integrated gender perspective that promotes women’s effective, secure and equal enjoyment of their land rights.
e) Government facilitates the gender sector (community bases services department) in local governments to operationalize and implement existing laws, policies and programmes.

12. **Making land registration and titling more accessible and gender-equitable**

Titling and registration programmes have historically not benefited women to the same degree that they have benefitted men. Care must be taken that land tenure formalization does not result in women losing the secondary rights – access use, collection or cultivation rights-that they enjoyed under customary law. By undermining pre-existing land rights titling can increase insecurity. Joint titling/registration has several advantages. It acknowledges the contributions of all spouses to the household economy (which, for women, are often in the form of labour not cash). It also offers greater protection to women should the marriage break down. Joint titling/registration also provides for automatic continuity when one spouse dies.

a) Prior to land registration, conduct an assessment of existing rights focusing on women’s rights (registered and unregistered) and inheritance marriage and divorce patterns to inform titling or certification programs (whether systematic or sporadic);

b) For all titling and registration programs, design and conduct effective awareness-raising aimed at educating women and men about women’s rights to access, use and control over land as an integral part of the initiatives;

c) Make recommendations and support the adoption of titling/registration legislation, regulations and guidelines that oblige joint titling/registration of marital property;

d) Train and provide guidelines for titling/registration officials regarding marital property rights, co-ownership and joint titling/registration;

e) Decentralize land registration and reduce the red tape on all forms of land registration.

f) Install gender-sensitive monitoring and evaluation systems, and collect best practices and gender-disaggregated data to track long term impacts of gender equality.

13. **Ensuring gender-equitable land institutions**

There is on huge gap between the law and its implementation. This may be due to several reasons. Yet, in all cases, effective institutions are pivotal to the implementation of laws, policies and programmes aimed at securing women’s land rights. These institutions need to have the internal capacity, expertise, and commitment to make women’s access to, use and control of land a reality. Governing land for women and men, fairly and responsibly and in ways that provide positive gains for society as well, requires equitable inclusion of both genders in all land institutions and governance processes. Protecting women’s rights effectively begins with providing capacity-building and training on women’s rights and gender mainstreaming to all state officials charged with implementing land policies, laws and programming. In addition state institutions should adopt clear, transparent and participatory gender planning processes, in line with women’s rights to participation and be held accountable for effectively mainstreaming into all programmes.
a) Support male-dominated, discriminatory and exclusive customary institutions as a broad and pragmatic approach to change and assist them in overcoming obstacles and accepting principles of gender equity and equality;
b) Identify customary practices, processes and institutions that support gender-equitable land tenure governance, and promote them and seek to eliminate those that are discriminatory or exclusive;
c) Sensitize customary leaders on the importance of gender-equitable land tenure governance, and support them in adapting to new governance processes;
d) Provide training in women’s rights, gender mainstreaming and participatory gender planning for all authorities and institutions responsible for land administration and tenure;
e) Build the capacity and raise the levels of awareness in institutions responsible for the implementation of laws, policies and programmes related to the observance of women’s rights to land for them to attain coherence and clarity of functions and authority amongst themselves;
f) Sensitize all members of land institutions on the importance of gender equity in their processes and composition

14. **Communication, Media Engagement and Community Awareness:**
Communication, media engagement and awareness raising are critical to changing values and attitudes including those about gender and land tenure governance. However, a focus on communication and media channels implies that one has to be conscious of content, context and solutions for women on land rights. Broad awareness campaigns are necessary to inform the public about women’s land rights generally and to rally support. Lack of knowledge of legal protection is a formidable barrier to claiming rights and socio cultural norms may hinder the realization of women’s rights. Communication can mobilize people for development actions such as claiming their land rights, while helping to build consensus on problems and their possible solutions through the participation of all stakeholders. People need to be aware of issues and rights so they can exercise both voice and choice effectively. Effective awareness raising on land and gender issues is particularly important in the implementation of land section projects and reforms. Important factors for success include using carefully targeted interventions, in collaboration with CSOs, facilitating women’s clear leadership of awareness-raising meetings, and adopting a participatory approach that works with local beneficiary communities. Effective gender sensitization should target both women and men, across ages, religious, ethnicities, social status.

a) Sensitize both women and men, to change deeply held values and attitudes.
b) Foster discussion of gender and land issues in a neutral forum, and ensure that effective and culturally appropriate mechanisms are in place for identification of, and discussion, negotiation and conflict resolution on, the issues.
c) Provide equal opportunities for women and men in gender sensitization, education and training.
d) Provide special training on gender issues to women to foster new
skills and resources for challenging their traditional roles and participating fully in the processes and institutions of land tenure governance.

e) Support community awareness-raising by civil society, including women’s groups and NGOs.

f) Sensitize the media, to facilitate sustainable change at the community, local government and national levels.

g) Involve the entire community in any communication strategy for gender-equitable governance of land tenure land that stresses the benefits of gender equity to all.

h) Use communication to under-study advocacy work with cultural leaders at grassroots level and deal with audience proximity and language being used.

i) Provide special training on gender issues to women and men to foster new skills and resources for challenging their traditional roles and participating fully in the processes and institutions of land tenure governance. Men should specifically be encouraged and supported to utilize the land other than leaving it for women only.

15. **Legal education and literacy**

Even when legal and regulatory frameworks exist to protect women’s land rights, women must know and understand their rights for them to be effective in practice.

Legal literacy must go beyond just knowing what one’s rights are. Rather, women must also know how they can exercise and enforce their rights. Good practices include understanding the different information needs of women and men, overcome any barrier that may prevent women from participating in events or processes which provide information. For example, women might not speak out and ask questions in a public meeting where men are present. Good practices also pay attention to other factors, such as age, language, literacy, economic status, disability marital status and factors which might affect a woman’s participation in an event every with other women. Civil society and government partnerships can be very powerful in achieving legal literacy. Different forms of media may also be used to inform women about their rights and how to claim them.

a) Undertake targeted and accessible legal literacy campaigns and programmes in a language women understand, to assist them understand their rights to access and control land resources, and where to claim them.

b) In partnership with legal literacy institutions, design and conduct legal literacy programmes in general and include a women’s land rights component.

c) Translate all relevant laws regarding women’s land rights into local languages.

16. **Urgent need for Gender-sensitive data collection, monitoring and evaluation**

Not only should law, policy and programmes related to land resources incorporate women’s rights in their design and implementation, they must also incorporate this perspective throughout all phases, including monitoring and evaluation. Gender-sensitization, monitoring and evaluation ensure that the policy, law or programme is being effectively implemented and that it benefits women and men equally. In order to accomplish this task, gender sensitive data and sex-
disaggregated data are very useful diagnostic tools.

a) Design, implement and analyse gender-sensitive and sex-disaggregated data on access to, use and control of land by women in laws, policy and practice programmes;

b) Undertake monitoring and evaluation that involves women, and design framework that support the participation of women in the identification of qualitative and quantitative indicators to be monitored, the monitoring process itself, and the analysis and evaluation of the results.

c) Harmonize and coordinate data collection approaches – adopt them, including the utilization of research data for decision-making, disseminate for purposes of decision-making.

d) Establish a baseline on the status of women and their land rights under all tenures, beyond registered tenure and more especially in informal, traditional/customary land holding and harmonize the data related to women land rights, gender equity and equality in land governance.

Appendix 1: The Terms of Reference
Gender Strategy for Uganda's National Land Policy

Background
Uganda's new National Land Policy presents an opportunity for protecting and enhancing women's land rights through its provisions that expressly seek to support women's land rights by undertaking remedial actions against historical and cultural injustices and inequality between men and women. The Ugandan policy environment further embraces women's land right in the National Gender Policy and the 1995 Constitution. Legislation also promotes women's economic empowerment, largely through exclusive provisions on affirmative representation quotas and actions in planning. However, these efforts have mainly remained on paper and have drawn limited practicability on the side of policy implementation. Adequately addressing the gender differences that exist across Uganda's land sector requires proactive, targeted strategic planning 'and resources directed at ensuring that these positive policy provisions translate into
real progress for women in the country.

Objectives of the Assignment
The objective of the proposed exercise is to develop an actionable National Gender Strategy on Land by defining the gaps between policy, legislation and practice and assess the suitability of International Development Partners’ Sector Performance Frame works to address the identified gaps.

Scope of Work
Specifically, the Facilitator is expected to:
1. Review and analyze international development partners’ performance frameworks on gender such as the GLTN tool, LGAF, LPI, FAO etc. to Benchmark best practices in protecting and enhancing women’s land rights.
2. Assess and evaluate National Development Frameworks to determine the extent to which provisions that protect and enhance women’s land rights have been articulated and implemented.
3. Identify priority gender gaps in policy, planning, budgeting and program designing across the land sector stakeholders.
4. Propose practical measures and strategies to address the gaps identified as result of the review and evaluation of policies, legislations and interventions.
5. Based on strategies recommended, analyze the suitability of GLTN tools to address the identified gaps.
6. Facilitate working, validation and sharing meetings convened by the Policy Implementation Unit involving stakeholders as determined by the NLP-PIU Secretariat.

Deliverables
1. An Inception Report.
3. A Final National Gender Strategy on Land.

Appendix 2: Glossary of key terms used in the strategy

a) Gender refers to the different roles, rights, and responsibilities of men and women and the relations between them. Gender does not simply refer to women or men, but to the way their qualities, behaviors, and identities are determined through the process of socialization. Gender is thus an acquired identity that is learned, which changes over time, and varies widely within and across cultures. Women and men are defined in different ways in different societies; the relations they share constitute what is known as gender relations. Gender relations constitute and are constructed by a range of institutions such as the family, legal systems, or the market. Gender relations are hierarchical relations of power between women and men and tend to disadvantage women. These hierarchies are often accepted as ‘natural’ but are socially determined relations, culturally based, and subject to change over time. Gender relations are dynamic, characterized by both conflict and co-operation, and mediated by other axes of stratification, including caste, class, religion, power, income, age and marital
status or position in the family.

b) Mainstreaming Gender Concerns: This refers to deliberate efforts to integrate strategies and actions that address gender inequalities into policies, plans, programmes/projects, institutions, and laws. The ultimate goal of gender mainstreaming is equal participation in and benefit from development initiatives for both women and men. It involves identifying and removing women as well as men’s constraints that may deter their effective participation or benefit in the process.

c) Gender Analysis: Gender analysis recognizes that gender is a critical variable in the development process. The gender analysis of a development programme involves identifying the gender issues in a problem or situation and the obstacles to its progress – so that those issues can be addressed in interventions. This usually involves identifying and classifying the different roles of women and men in a given sector or activity, their relations, and access to and control over resources and benefits. It has also been defined to refer to a systematic way of examining the different effects and impacts of development programmes on women and men, particularly taking stock of their participation as service providers and beneficiaries. Gender analysis has been established as a basic requirement for mainstreaming gender.

d) Gender balance: This is an ideal situation where women and men, boys and girls live harmoniously enjoying equal opportunities and have mutual respect for each other.

e) Gender imbalance: the situation where access and control over resources, development services and benefits are inequitably distributed between groups in society.

f) Gender based discrimination: is a distinction based on sex, race, religion, disability etc. this leads to exclusion of groups of people and individuals/ or preference being given to others.

g) Gender Equity and Equality: Gender equity means justice or fairness in treatment of women and men. It is a remedy intended to overcome discrimination, bias, or favoritism based on sex. Gender equality on the other hand is a principle that: all (women and men) are equal before and under the law; women and men have equal dignity (worth); and women and men should have equal opportunities in economic, political, cultural and social life. Equity is a means of achieving equality (ultimate goal).

h) Gender Issues/Concerns: Gender issues, concerns and problems arise when there is inequality, inequity or differential treatment of an individual or group purely on the basis of the social expectations and attributes of their sex. This is often a result of old attitudes persisting in situations where they are no longer valid. Gender issues are characterized by gender discrimination and gender oppression. Such practices create gender gaps through which one gender is discriminated to such an extent that it is prevented from getting its fair share of resources or services.

i) Gender responsiveness: is the ability of individuals and institutions to take into account the social relations and different needs of men and women in the process of striving to achieve institutional objectives.

j) Gender sensitivity: is being aware that men and women perform different roles and have different needs which must be planned accordingly.
k) **Gender stereotypes**: Gender stereotypes occur when men and women are regarded according to rigid thinking about social and cultural expectations of their gender, rather than a more flexible consideration of their individual capacities and potentials.

l) **Resources and Benefits**: These include a) economic or productive resources such as land, equipment, tools, labour, cash and credit, employable or income-earning skills, employment or income-earning opportunities; b) political resources such as representative organizations, leadership, education and information, public-sphere experience, self-confidence and credibility; and c) time which is particularly critical and a scarce resource for women. On the other hand, benefits include: provision of basic needs such as food, clothing and shelter; cash and income; asset ownership; education and training; political power, prestige, status and opportunities to pursue new interests.

m) **Gender sensitive indicators**: These demonstrate changes in gender relations (i.e. relations between men and women) in a given society over a period of time. They are used to assess progress in achieving gender equality by measuring changes in the status of women and men over a period of time.

n) **Sex Disaggregated Data**: this is classified information on the basis of sex, age e.g. men, women, boys or girls. This data provides important indicators of gender needs.

o) **Productive activities**: Productive activities refer to the production of goods and services for consumption or trade – for example, farming and fishing. When people are asked what they do, the response is usually related to productive work, especially work which generates income. Both men and women can be involved in productive activities but, for the most part, their functions and responsibilities will differ according to gender divisions of labour. Women’s productive work is often less visible and less valued than men’s.

p) **Reproductive work**: This refers to the care and maintenance of the household and its members – including bearing and caring for children, preparing food, collecting water and fuel, shopping, housekeeping and family health care. Although reproductive work is crucial to human survival, it is seldom considered ‘real work’. In poor communities, reproductive work is usually labour intensive and time consuming. It is almost always the responsibility of women and girls.

q) **Sexual harassment**: ‘Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment to or rejection of this conduct explicitly or implicitly affects an individual’s employment, unreasonably interferes with an individual’s work performance or creates an intimidating, hostile or offensive work environment.’

r) **Sector wide Approach to Planning**: This approach recognizes the need for partnership if one is to increase effectiveness by focusing resources around negotiated programmes.