



Land in the Right Hands

Promoting women's rights to land



UN Women is the United Nations organization dedicated to gender equality and the empowerment of women. A global champion for women and girls, UN Women was established to accelerate progress on meeting their rights worldwide. UN Women supports United Nations Member States as they set global standards for achieving gender equality, and works with governments and civil society to design laws, policies, programmes and services needed to implement these standards. It stands behind women's equal participation in all aspects of life, focusing on five priority areas:

- increasing women's leadership and participation;
- ending violence against women;
- engaging women in all aspects of peace and security processes;
- enhancing women's economic empowerment;
- making gender equality central to national development planning and budgeting.

UN Women also coordinates and promotes the United Nations system's work in advancing gender equality.

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Kyrgyzstan and Tajikistan





The promotion of women's empowerment has been the core activity of UN Women for many years. A paramount condition for achieving this aim is ensuring equal access of women to land and economic resources, and this is reflected in many international and national human rights tools.

In this brochure we have attempted to share experiences in implementing a number of UN Women projects (covering the period of 2004 – 2009) which were aimed at defending and improving observance of women rights during land and agrarian reform in Kyrgyzstan and Tajikistan. The programs were implemented with generous financial support from donors: the Canadian International Cooperation Agency (Tajikistan, 2005-2007) and the Government of Norway (Kyrgyzstan, 2004-2007 and 2009-2010). In these countries, where prevailing large majority of the population lives in rural areas where social, economic and political problems are acute, the quality of life of the population and social stability directly depend on the efficient addressing of land issues.

This publication is neither guide nor textbook. The authors have made an attempt to provide insight into the internal implementation mechanisms of UN Women program activity, including UN Women working strategies, approaches and methodologies, as well as to demonstrate specific examples

of their successful application in practice in both countries. It is important for the publication to focus on, among other things, capacity building of local communities: expansion of knowledge and development of skills of villagers and representatives of local authorities so that they can establish partnership relations which can contribute to the overall development of local communities and improve the status and role of women in the process. The publication has also been supplemented with real life stories which, we feel, makes the material more relevant and easy to understand for a broader audience.

UN Women Sub-Regional office for Eastern Europe and Central Asia plans to continue working on the Women's Rights to Land series of publications next year, and in particular, we plan to publish an issue describing how to organize efficient communication activities for empowering women and improving their access to economic resources.

Damira Sartbaeva

Regional Programme Director
UN Women Sub-Regional office
for Eastern Europe and Central Asia

A handwritten signature in dark ink, appearing to read 'D. Sartbaeva', written in a cursive style.

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INTRODUCTION

International Commitments to Securing Women's Equal Right to Land

Many important international agreements and human rights treaties include provisions to safeguard women's equal rights to land, property, housing and the economic resources to support a sustainable livelihood. This is recognition of the fact that the challenges women face in this area are neither new, nor isolated or particular to any one country or region—barriers to women's land, inheritance and property rights, often deriving from similar contributing factors and circumstances, can be found all across the world. Women's access to and control over productive and economic resources is central to their empowerment and must be expanded if gender equality is to be achieved. Priority actions include strengthening the property and contractual rights of women over land, and increasing women's legal literacy about these rights.

The Outcome Document of the 2005 United Nations World Summit, which reviewed progress on the Millennium Development Goals (MDGs), reaffirmed the importance of *"ensuring equal access of women to productive assets and resources, including land, credit and technology"* (A/RES/60/1) and thereby acknowledged that increased attention to the specific needs of women who lack assets and income is key to achieving the Millennium Development Goals.

Other international agreements that contain robust protections include the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Beijing Platform for Action, and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). CEDAW explicitly guarantees the right of rural women to participate in and benefit from rural development on an equal basis with men. The CEDAW Committee's

International Covenant on Economic, Social and Cultural Rights, Article 11(1):

“The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.”

Convention on the Elimination of All Forms of Discrimination against Women, Article 14:

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.
2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

General Recommendation 21 on marriage and family relations further emphasizes the right of women to ‘own, manage, enjoy and dispose of property’—[this] ‘is central to a woman’s right to enjoy financial independence, and in many countries will be critical to her ability to earn a livelihood and to provide adequate housing and nutrition for herself and for her family.’ It also calls on states parties from countries undergoing agrarian reform or redistribution of land to pay particular attention to ‘the right of women, regardless of marital status, to share such redistributed land on equal terms with men.’¹

The Beijing Platform for Action includes women’s right to land within the context of alleviating poverty, tackling the growing feminization of poverty, promoting gender equality, and ensuring environmental sustainability. Governments are called on to ensure that women—especially rural women—participate in all levels of decision-making, and that women have the access to and control over certain key environmental resources, such as water and land, that is needed both to protect women from the effects of environmental degradation

¹ Committee on the Elimination of Discrimination Against Women, General Recommendation No.21, <http://www2.ohchr.org/english/bodies/cedaw/comments.htm>



and to enable them to take the action needed to improve their environments.²

Kyrgyzstan and Tajikistan

Kyrgyzstan and Tajikistan are parties to both the ICESCR and CEDAW³, and have made strong commitments to achieving the goals of the Beijing Platform and the MDGs. In the context of land reform and women's right to land, their governments have therefore agreed to take specific actions, including reviewing laws and regulations for unintended discrimination against women, in order to ensure that women's rights are upheld and that they are empowered to assert these rights. The case studies described in this publication are drawn from nearly a decade of experience in working to increase gender equity in national land reform processes in these two countries. They demonstrate effective practices and a holistic approach to increasing women's access to land. Between 2002 and 2008, the percentage of dekhan farms in Tajikistan registered to women increased from 2% to 14%. The approaches are illustrative and can be modified and applied in other settings, even outside of the context of a large, national land reform programme.

Background:

After the crumbling of the Soviet empire in 1991, the countries of Central Asia embarked on a transition to a market economy and a democratic system of governance. The loss of the Soviet-style safety net, high unemployment and widespread poverty has meant serious economic and social insecurity for large numbers of people,

² *Pathway to Gender Equality: CEDAW, Beijing and the MDGs*, 2004, pp.16, 36

³ The International Covenant on Economic, Social and Cultural Rights (1966)—Kyrgyzstan became a states party in 1994, and Tajikistan in 1999. The Convention on the Elimination of All Forms of Discrimination against Women (1979)—Kyrgyzstan became a states party in 1997, and Tajikistan in 1993.

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counseling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

particularly those living in rural areas. Political upheaval in the last two decades, such as the 1992-1997 civil war in Tajikistan, and the 2005 political unrest in Kyrgyzstan, has been both cause and consequence of socio-economic hardship, and has had a major destabilizing effect on government efforts to speed up reform.

Because of their large agrarian populations, land reform in Kyrgyzstan and Tajikistan has been an especially significant process in the transition to a market system. It has been linked intrinsically to government efforts to alleviate poverty and promote the development of sustainable livelihoods for rural communities; however, the enormity and complexity of the reform required has also given rise to a host of challenges, both within the context of how state reform strategies are planned and implemented and in the ramifications for rural men and women.

Kyrgyzstan was one of the first countries in Central Asia to privatize land as part of its land reform strategy, driven in large part by severe food shortages and a steep decline in agricultural productivity in the early years of transition. The government began restructuring *kolkhozes* (collective farms) in 1994, with individual farming being introduced soon after. After a nationwide referendum in 1999 approved private land ownership, the Law on Agricultural Land Management was adopted, allowing for the distribution of 75 per cent of all arable land to individuals. In just over a decade therefore, Kyrgyzstan's rural economy had started to drastically change—almost 2.5 million people in rural areas could now acquire their own land plots.

Tajikistan's agrarian reform process, in contrast, developed more slowly, largely because of the effects of civil war and widespread famine in the 1990s that left scores of people dead and caused about a tenth of the population to flee the country. Unlike in Kyrgyzstan, land in Tajikistan was not privatized. Instead, reform focused on the creation of new regulations which conferred rights on individuals and groups to use land and transfer their rights through inheritance or leasing, but not to buy or sell the land, which remained the sole property of the government. The adoption of two laws in 1992 marked the beginning of land restructuring—the Law on Land Reform provided for dismantling of *kolkhozes* and *sovkhoses* (large state farms) and reorganizing them into individual shares, while the Law on Dekhan Farms gave every citizen the right to establish a *dekhan* (family-type) farm. More new laws followed throughout the 1990s to govern how citizens would register for land shares, certify their land use rights and manage their farms. By 2002 however, only about a quarter of all decollectivized land in Tajikistan had been distributed to individual households—restructuring was proceeding slowly and often sporadically, with many citizens unaware of their new rights to land use.

Despite government efforts, the rural populations of Tajikistan and Kyrgyzstan have experienced a sharp overall decline in their standard of living. The move from a centrally-planned to a market economy, including the land reform process, has been particularly harsh on rural women, sharply narrowing their economic opportunities and intensifying the feminization of poverty. Rural women traditionally have had fewer employment opportunities

than men, poorer access to agricultural assets, products and services, lower levels of farm management skills and know-how, and limited awareness about their rights, including their legal rights to land. They have also faced entrenched patriarchal customs and social practices that have often prevented them from proactively seeking information about their rights, or taking action to claim those rights to improve their situation.

Assessing the Common Challenges for Rural Women Asserting Their Land Rights

From 2000-2003, UN Women conducted needs assessments and research studies in Tajikistan and Kyrgyzstan to examine the situation concerning women's economic security and rights in the context of land reform. The research revealed a set of similar factors impeding reform and posing barriers to women's rights with regards to land ownership, inheritance and property rights, and opportunities for land management.

- While legislation and policies governing land reform were largely gender neutral and did not explicitly discriminate against women, they failed to take into account the different impact of the reform on men and women. This increased the propensity for unequal access to the benefits of the reform process, and heightened the risk of negative effects on women in particular, because of their historically disadvantaged socio-economic position compared to men.

In Kyrgyzstan, for example, the law prohibited the division of land plots, which resulted in women being prevented from claiming their share of land in the event of divorce or the death of a spouse. In Tajikistan, a provision in the Land Code stipulated that only people with experience in farming and farm management were entitled to land shares—women, with historically lower capacity in this area, were thus limited in applying for shares on an equal basis with men.



The impact of the reform on the land tenure situation of rural women-headed households was especially precarious. When widows, divorced or abandoned women, single mothers, or women with many children are no longer able to rely on relatives, they become highly dependent on land as their sole means of subsistence. Without adequate knowledge about their rights, and support in claiming land and accessing agricultural services to support their livelihoods, they would continue to be among the poorest and most vulnerable segments of society.

- While access to land was important, just as critical for women was the capacity to effectively utilize that land to their benefit. A sustainable livelihood through owning and working a plot of land would therefore also require access to economic resources such as credit and financing, seeds, fertilizer and farm equipment, and know-how about farming, farm management and agro-business development.
- Discriminatory practices flourish despite the law, due largely to entrenched patriarchal customs and attitudes.⁴ There is anecdotal evidence in Tajikistan of officials rejecting women's land claims on insufficient grounds, due to general perceptions that women are not good farmers. Similarly, in Kyrgyzstan, women reported that while auction systems were theoretically gender blind, in reality procedures were set up to allow pre-selection of bids, and often women's bids were not included in this pre-selection because of the

⁴ There is evidence in both countries of cases where customary law—*adat*—carried out by traditional justice structures made women reluctant to ask about their rights or seek redress for wrongs.

attitude that women lacked the ability to effectively manage land. Women in Kyrgyzstan also expressed concern that land distribution procedures were often not transparent and prone to corruption, so that when they did gain access to land, their plots were often of poor quality.

In Tajikistan, while legislation guarantees the right of all citizens—male and female—to a dekhkan farm, in practice, due to traditional stereotypes accepted in society, inheritance is transferred chiefly through the male line and women typically only have access to land through their fathers or husbands. Land certificates are almost always registered in the man's name and farms are practically always run by men. The statistics covering the 2004-2007 period demonstrate that the percentage of farms headed by men amounted to 86.6%. Despite the fact that women farmers manage only 13.4% (2006) of cultivated land, the productivity level of farms headed by women is higher.

- While both rural women and men were generally lacking in awareness about the land reform process and their right to land shares, poor villagers, and especially the women among them, tended to be particularly ill-informed. This, compounded by the problem of corruption among local officials, contributed to their marginalization from the process. In both countries for example, cases were reported of poor villagers learning of land auctions or farm restructuring meetings only after the fact. Without knowing about the law or their rights however, it was impossible for them to seek redress. Lack of knowledge also led to neglect in the filing of proper ownership

documentation, which could lead to disputes involving land being distributed or leased twice to two different people, or situations where owners were unable to prove ownership of their land.

- The numbers of women in local and national governance structures was extremely low in both countries. Women's absence from public life fuels the existence of discriminatory stereotypes and customs and aids in the glossing over of women's needs and experiences in decision-making processes. When women's voices are not part of government, gender concerns are frequently relegated to the bottom of state priorities. This becomes a vicious circle, leading then to legislation and policy-making that is not gender-sensitive and that may be discriminatory to women, even if not explicitly so.
- Local authorities tended to lack knowledge about the land reform process, leading to poor capacity for implementing legislation, conducting administrative procedures, and providing legal information to rural communities. This often led to unequal opportunities to land access.

In accordance with the research, the reality is quite different. Widows rarely inherit their husband's land. Instead, adult sons, if there are any, receive the land (though occasionally daughters inherit if there are no sons), and when there are no children from the marriage, the land is passed to the deceased's brother(s). UN Women also found that village elders and the local mullah generally make decisions about the division of household property. Women rarely ask for land shares when these decisions are being made, as they report feeling that such demands would reflect poorly on their honor. In addition, women are generally not aware of their rights under civil law, making it difficult for even women who do not fear dishonor to claim their share.

Rural Women Needs Assessment 2003,
Tajikistan





1

A Holistic, Rights-based Approach to Enhancing Rural Women's Economic Security



Strengthening women's economic rights and security has long been a key pillar of UN Women's overall mission to support countries in implementing commitments to gender equality and women's empowerment in line with their national priorities. In Tajikistan and Kyrgyzstan, UN Women developed a multi-pronged strategy that brought together government and civil society partners who worked to improve 1) the gender responsiveness of policies; 2) their implementation through mainstream and local level institutions, and 3) to increase awareness of benefits and services at the grass-roots level. Work at every level was necessary to the success and sustainability of interventions.

A Strong Evidence and Rights-based Framework

The programme objectives were connected within a framework characterized by two key elements: a) a strong rights-based emphasis grounded on the international agreements and human rights treaties that Kyrgyzstan and Tajikistan have signed on to; and b) a focus on systematic research, evidence gathering and analysis to validate and substantiate interventions throughout the lifespan of the project. The continuous application of these principles helped to demonstrate how human rights concepts could be applied in national legal frameworks and development processes in order to overcome development challenges and have a tangible effect on improving people's lives.

Diagram 1 - From Normative to Practical: Relating CEDAW Articles to Specific Challenges

Using CEDAW Articles (to protect Women's Right to Land)

Challenges

- Access to information;
- Access to local governments services;
- Level of education;
- Customary law implications on inheritance rights;
- Cultural norms to claim for rights;
- Social stigma to a woman who dare to claim for her rights



CEDAW Articles to address the Challenges

- Article 14(2)(g) projects the right of rural women to equal treatment in land and agrarian reform as well as in land resettlement schemes.
- Article 15, women are guaranteed a legal capacity identical to that of men and the same opportunities to exercise that capacity in civil matters.
- Article 5 requires States parties to take all appropriate measures to modify the social and cultural patterns of conduct of men and women.
- General Recommendation called on countries that are undergoing a programme of agrarian reform or redistribution of land to ensure the right of women regardless of marital status, to share such redistributed land on equal terms with men.

From the outset, the focus on systematic evidence gathering served to create a useful baseline from which to track results. It was also integral to informing the strategic formulation and direction of efforts as UN Women's project progressed. Furthermore, the evidence collected was used to develop and refine monitoring mechanisms to assess the implementation of laws, examine compliance of actions with human rights standards, and record cases of discrimination against women. Finally, evidence was also fed back into normative processes, both at the national level in terms of validating demands for changes in legislation, and at the international level in terms of providing information on women's *de facto* situation and on government attempts to meet their obligations (such as through the

CEDAW reporting process).

Research and evidence gathering took place at various levels, from the legislative and policy arena, to the community sphere. Legal experts were commissioned to undertake a thorough analysis of land reform related laws, policies and implementation procedures with a view to recommending changes to better integrate women's rights into the law. The analysis and recommendations were validated with national stakeholders through numerous consultations, and then articulated in concert with these stakeholders through sustained policy advocacy with relevant government institutions.

Extensive needs assessments were conducted within rural communities to obtain a clear picture of the situation of women's access to land and agricultural extension resources. The data collected was shared in public consultations. This led to the formulation of recommendations to better integrate gender concerns into national strategies, programmes. It also contributed to ensuring that gender priorities were stressed in development planning and reporting processes such as National Development Strategies and the preparation of national report on MDGs..

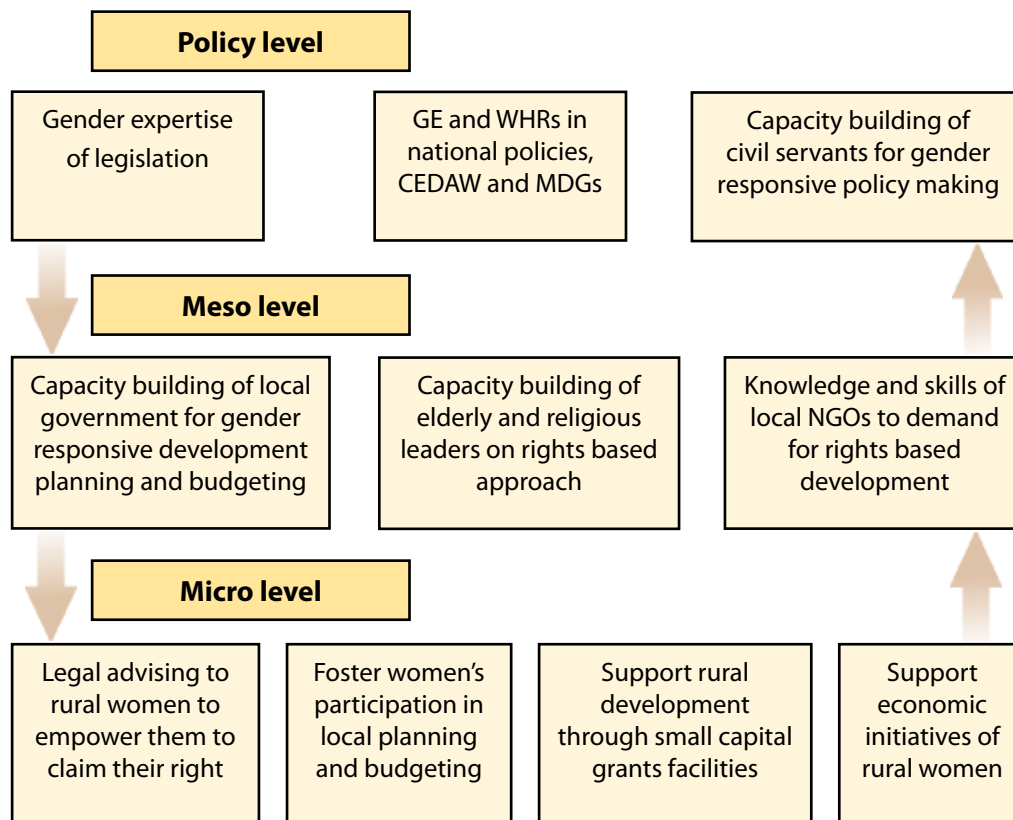
In both countries, systems were established to track and analyze legal

cases brought forward by rural men and women. Through the provision of legal advice to thousands of villagers, project staff was able to consistently gather data and case evidence to inform and substantiate actions at the legislative and policy level. Case studies were also used to create responsive communications and public advocacy initiatives to raise awareness about access to legal services, women's right to land and gender equality as a whole.

Simultaneous Multi-stakeholder, Multi-level Interventions

Beyond a strong evidence and rights-based framework encompassing its key objectives, UN Women's strategy was also holistic in that its interventions took place simultaneously on various levels, and in partnership with a range of national development actors identified as agents for positive change.

Diagram 2- A Holistic Approach



Actions at the **legislative and policy level** focused on analyzing the gender responsiveness of laws and policies, their compliance with international human rights standards, and the measures being taken by government institutions to implement them in accordance with commitments to women's empowerment and gender equality. The analysis was then used in sustained policy advocacy activities by women's NGOs and gender experts in land legislation, who were able to win amendments to legislation that were far-reaching in terms of offering new protections and guarantees for women's right to land.

At the **institutional level**, efforts focused on building the knowledge and capabilities of key actors to employ a rights-based approach to gender equality and women's empowerment, and conduct gender-responsive policy and decision making within the development process,

particularly as it related to land reform. The stress here was on enhancing the *implementation* of laws and policies related to land reform, especially in terms of making the governance and management of the land process more transparent and human rights oriented. Partners, such as national women's machineries, justice structures, and local government bodies, were therefore supported in order to strengthen their institutional and administrative effectiveness, to better be able to implement and enforce laws and policies on the one hand, and to respond to community needs and concerns on the other. Gender advocates and women's groups were supported to improve their capabilities to monitor implementation, expose ongoing gender discrimination through evidence collection, and effectively advocate for government accountability to women's rights.



At the **community level**, UN Women's interventions sought to more directly impact the daily realities of rural communities. Activities such as free legal advisory and counseling services helped rural men and women to understand their land rights and become empowered to claim them. Support was given to help rural women improve their livelihoods and become economically self-reliant through the setting up of goods-and-services cooperatives and small businesses like bakeries and food catering for schools. Initiatives were also created to stimulate broader rural development through, for example, small grants and micro-credit schemes for villagers (and especially women) to set up community self-help initiatives—these had a required *participatory governance* element to foster partnerships between local government and civil society, and between rural women themselves.

Cross-cutting Tools to Implement the Approach

Three cross-cutting tools were used to implement UN Women's strategy and strengthen the programme's effectiveness in reaching its goals. These tools helped devise and shape the form of activities as efforts progressed. Support was provided to partners to practically apply them in a multi-faceted way to promote change at the legislative and policy, institutional and community levels.

a) Capacity development: The main thrust of capacity development interventions was to expand the individual competencies and collective capabilities of key

stakeholders to use a rights-based approach to promote women's economic security and rights in the land reform process. In the arena of policy and law-making, capacity building targeted government officials, parliamentarians, local legislators and members of the justice system, encouraging them to develop gender-responsive approaches to their work, and to recognize the critical importance of taking gender concerns into account in national and local development strategies. Support also went to improving stakeholders' capabilities to monitor the status of land reform and its impact on women—this dovetailed with efforts to systematically gather data and evidence on women's participation in the process, and aided in the formulation of gender-based indicators for use in national development planning.

An added capacity building focus with gender activists, local NGOs, and women community leaders was to grow their capabilities as community advocates on women's land rights, and their effectiveness in conducting policy advocacy and mass public advocacy on the issue. Beyond training on the land reform process, they were supported to develop lobbying campaigns to press for changes in legislation, and to conduct a wide range of public awareness activities (including through using the media).

b) Gender-responsive planning and budgeting: This tool was used to promote greater community involvement in local development decision-making processes, and especially to encourage rural women to actively participate. Working from a baseline of limited knowledge and expertise of gender-sensitive planning and budgeting, efforts targeted rural women on the one hand, and local

government leaders on the other. Rural women (including gender advocates, and members of community-based groups) were assisted in developing their ability to articulate and advocate for their needs and interests to be included in local planning. Local government officials, including village parliamentarians, were sensitized on the need for gender considerations in local planning and budgeting.

After extensive training on key concepts and skills on how to adopt gender-responsive budgetary approaches, local development plans incorporating this knowledge were drafted, with clearly defined gender-sensitive priorities, action plans and budget allocations. These were discussed and validated at community hearings, which also served to provide feedback to further refine the plans accordingly. Participatory monitoring and evaluation was an added feature during the implementation of the plans, to ensure their effectiveness and their accountability to gender concerns as expressed by the community. Partnerships formed between local government and community groups in the process, were further solidified later on when UN Women introduced a small grants fund to promote joint government-citizen participatory planning initiatives.

c) Communication for Development:⁵ The inclusion of communication for development methodologies was

⁵ The formal UN definition of Communication for Development, as adopted by the General Assembly in resolution 51/172 (Article 6) says: "Communication for development stresses the need to support two-way communication systems that enable dialogue and that allow communities to speak out, express their aspirations and concerns, and participate in the decisions that relate to their development."

an integral component in UN Women's overall approach and was critical to its effectiveness. Communication interventions grounded in baseline research, stakeholder insights and experiences, and contextual influences helped determine the way that both public and policy advocacy activities were devised and implemented, with the ultimate aim of shifting attitudes and behavior, and catalyzing positive social change.

UN Women sought to ensure that communications were a deliberate part of strategy development from the very beginning, and were well-integrated with all other interventions at every level so that core ideas, messages and concepts would be consistently articulated to different target audiences, in order to increase understanding about women's rights in the reform process. Communication was often used as a 'glue', to connect different aspects of the holistic approach—from evidence gathering to building capacity, to raising public awareness and disseminating information, to lobbying government officials and legislators. This required using not only the mainstream media, but also public theatre performances, feedback mechanisms, public hearings, focus groups, community mobilization workshops, and dissemination of information materials such as manuals, brochures and posters to reach varied and sizable audiences.

Communications activities not only involved conveying key messages and concepts about women's right to land and gender equality; they also highlighted good practices, exposed gender discrimination and rights violations, and inspired people to more actively claim their rights and contribute to their community's development.

Importantly, communications were tailored to respond to different requirements in the programming process to ensure a continuous two-way flow of information. From policy to grassroots and back, this meant not only that communities were learning about laws and policies that affected them from the 'top-down', but that they were also able to articulate and amplify their needs and

concerns from the 'bottom-up' to influence decisions in the making of laws and policies. This two-way flow was also encouraged between stakeholders such as government and civil society actors, which helped open up spaces for dialogue, increase civic participation in governance, and build trust between citizens and government institutions.





2

Influencing Change at the Legislative and Policy Level



The land reform process in Kyrgyzstan and Tajikistan required the enactment of specific laws and policies to govern how formerly state-owned and state-controlled land would be restructured and distributed to their populations, as their economies transitioned towards a market system.

While not directly discriminatory towards women, most of these laws and policies were however, largely gender-neutral. This meant that they neither identified nor protected women's equal rights in terms of land ownership and usage, and thus did not account for the different impact of the land reform process on men and women. Because of women's historically disadvantaged socio-economic position vis-à-vis men in most rural communities, this led to their unequal access to opportunities and benefits from the reform process, and heightened their vulnerability to its negative effects. As a result, women were at greater risk of losing their economic

and social security, and sinking deeper into poverty as the land reform process continued its course.

UN Women's interventions in the legislative and policy area aimed to remove the barriers that interfered with women being able to exercise their rights in the context of agrarian reform. This entailed working with partners, such as gender advocates, experts in land legislation and women's NGOs, to convince governments to take far-reaching legislative and policy measures to ensure equal access to land for both men and women. First, this required amending the law to adequately recognize women's right to land, property, inheritance and opportunities for land management. Second, a framework needed to be established of legal and economic conditions that would support the implementation and enforcement of the amended laws, and enable women to fully participate in the land reform process.

Key Factors Influencing Success

An **in-depth analysis of the existing legislative framework** was critical to identify gaps and obstacles to women's access to and exercise of their right to land. This analysis was complemented and substantiated by on-the-ground research and evidence-gathering on rural women's needs and concerns, which illustrated their de facto (rather than just de jure) economic situation.

Identifying and seizing the opportunity of contextual entry-points (which differed in both countries) helped gauge the climate of 'receptiveness' within the political system, and 'readiness' of key allies to embark on influencing change in the legal framework.

The value of a **strong, multi-faceted political advocacy campaign** to mobilize support for recommendations for legal reform, **which targets policy and law makers, as well as the general public**, cannot be underscored. Of key importance here are knowledgeable, well-networked and highly motivated national partners (such as gender advocates, women's NGOs, and women leaders in government agencies) who can articulate demands and urge action in a sustained manner that lends legitimacy and magnitude to efforts.

Influencing the policy framework that defines the implementation of the law is a crucial next step after legal reform. Since the law is operationalized through key state policy and planning documents, provisions in such documents must also be assessed for their gender-responsiveness and non-discrimination against women, both at the national as well as local levels.

In both countries, contextual circumstances helped determine important entry-points for UN Women's engagement with government and civil society stakeholders. In Kyrgyzstan, the land reform process had been proceeding in stages for almost a decade, and by all accounts could be considered the most extensive in the region. In 2001 however, a landmark law on private land ownership was adopted. This marked a crucial entry point in terms of its potential use as the fulcrum around which to strategically influence the legal framework to make it more human-rights based and gender-responsive. The situation was somewhat different in Tajikistan, where the land reform process had been proceeding much more slowly. Here, a key contextual consideration was the fact that the government, in the process of beginning implementation of a significant stage of the restructuring process, had also scheduled discussions of possible modifications of the land laws.

Extensive research and data collection formed the basis of recommendations to improve the legislative framework in both Kyrgyzstan and Tajikistan. Needs assessments and data gleaned from legal counseling at the village level indicated that rural women were experiencing serious discrimination in the land reform process, and clearly being excluded from claiming their rights on par with men. Female-headed households were especially marginalized. In Tajikistan for example, the situation was dire for such women, many of whom had been widowed or forced to leave their homes by civil war, and were highly dependent on the land for their families' daily survival.

This research buttressed analysis by experts of land and property laws, that found that these failed to comply with international human rights treaties such as CEDAW, which both Kyrgyzstan and Tajikistan were party to.



At the same time, efforts were also underway to identify allies and cultivate working relationships with law-makers and key members of government agencies responsible for decision-making within the land reform process. This was important to create awareness about what was happening, and begin to gather support for proposed amendments to legislation.

Strategic Planning: Some Important Framing Questions

1. What are the main laws impacting women's right to land, and what are the specific provisions in particular that need to be amended?
2. What grassroots evidence will help substantiate demands for legal reform?
3. What are the workings of the legislative process, and what are the key stages in the process where advocacy can have the highest impact?
4. How amenable is the current political and legislative environment to proposed changes in the law?
5. Power analysis: Who are the key leaders, decision-makers to target to gather support for legal reform?
6. Partnership analysis: What are the networks, personal relationships, contacts among partners that can be tapped to open doors?
7. What kinds of public awareness activities will help to persuade lawmakers of the need for reform?
8. When should these be rolled out for maximum impact?
9. What follow-up activities must take place immediately after amendments are passed (or fail to pass)?

During implementation of the land reform it turned out that the most vulnerable group of the population was rural women. They often do not exercise their land rights because of their ignorance. Women face many problems after divorce, especially given the fact that often marriage is not registered with the state bodies. A husband using the ignorance of his wife and the lack of a stamp in her passport takes all the land away despite the fact that the land share was allocated for both of them. The project helped many women who lost their land in this manner. I have heard about six or eight cases like this. Increased awareness about rights plays an important role in such cases. The project has made a great contribution, yet there is much to be done.

In-depth interview, Osh Region

Kyrgyzstan

Legal Provisions that Were Discriminatory to Women

Legal analysis by gender experts found flaws in 12 articles of the Law on Agricultural Land Management (LALM), a seminal piece of legislation allowing for private land ownership that was adopted after a nationwide referendum in 1999. In addition, provisions existed in the Civil and Family Codes that were found to contradict provisions in the LALM.

One of the most contentious issues lay in the use of the household as a legal unit. Under the reform process, each rural family given a plot of land received a certificate of ownership that delineated the plot's boundaries. Since the household was considered a legal unit, this effectively meant that land certificates were being issued per household, and specifically in the name of the head of the household.

Furthermore, the LALM required that land could only be sold without division. This prevented divorced or abandoned women from selling their share of land. Therefore, since land plots could not be exchanged outside the same village administrative area, if divorced or abandoned women returned to their parents' village, they were forced to give up their land share in their husband's village. The LALM also required that land be bequeathed to only one heir—since custom typically recognized only males as heirs, women and girls in most cases could be excluded from inheriting land. This was one example of a provision in the LALM that ran contrary to Kyrgyzstan's Civil Code, which allows all citizens to leave their property to one or several persons. Continuous analysis of cases of women's rights violation, collected in the process of extending the legal counseling services to all provinces, confirmed the need to advocate for amending land legislation to align with a women's human rights perspective.

Extensive Advocacy Campaign to Amend the Law

While the law was being analyzed and a set of proposed amendments being formulated accordingly, UN Women and its partners embarked on a policy advocacy campaign in 2003 to persuade key government actors of the need to change the law. The advocacy

campaign brought together gender activists and representatives from civil society organizations, members of local governments, and rural community leaders to develop a common strategy to lobby key elected officials and influence the legislative process.

Workshops, roundtable discussions, and public hearings were held as platforms for rural women to describe their concerns and the problems they faced with regards to the application of the law. Local authorities used these gatherings to discuss contradictions in the law and proposed necessary changes to local legal regulations. At the same time, UN Women also launched a mass public awareness campaign to publicize the goals of the project, highlight the gender aspects of land reform and discuss the issue of human rights within this context. [This is explained in more detail in Chapter 5 on 'Communications Enhancing Impact'].

Meetings were arranged to elicit support from the Ministry of Agriculture, the Kyrgyz State Agency for Registration of Rights to Immovable Property, the parliamentary Committee on Constitutional Legislation, State Order,

“When the UN Women Project approached us, we supported their initiative because we recognized the problems faced by divorced women. So we drafted a bill that expanded the rights of divorced women. However, during discussions with members of Parliament, a proposal was made to expand the new provisions to cover not only women’s land rights, but rights of all family members who would like to use their right to sell, exchange or donate their shares of land.”

Staff member, Parliamentary Committee on Agro-Industrial Complex and Ecology, Kyrgyzstan



Legality, Judicial and Legal Reform and Human Rights, the parliamentary Committee on Land Use Issues, and the parliamentary Committee on Agro-Industrial Complex and Ecology (AIC). The latter was especially important, since it was the committee responsible for drafting legislation regarding land and agriculture for discussion in parliament.

Parliamentarians received real-life case studies documenting discrimination against women and restrictions to women's rights in many rural communities across the country. The conference, which was organized to commemorate the tenth anniversary of land reform in Kyrgyzstan included a special session on the 'gender aspects of land reform' to draw attention to the need to change the LALM. A key tactic used throughout was to remind elected officials of the government's obligations under CEDAW—this helped to validate and add weight to lobbying efforts.

In the fall of 2004, the AIC began developing language for a bill to reflect the amendments being proposed, frequently referring to data and evidence provided by UN Women, WESA and their other partners.

Advocacy Pays Off – Amendments to the Law on Agricultural Land Management are Approved

In 2006, after much contentious debate in parliament, the final version of the bill was put forward to Parliament containing eight suggested amendments. This bill was adopted in June 2006, and shortly thereafter signed into law by the President as the Law on Amendments and Changes to the Land Management Law. The amendments offered new protections and guarantees for women's right to land, but also went further to now guarantee the rights of all family members wishing to sell, exchange or donate their land shares. In addition, the amendments also meant that key provisions in the were now in compliance with provisions in the Civil and Family Codes.

Table: Amendments to articles in LALM (2001), reflected in LACLML (2006)

Article	LALM: Original text (<i>italics</i>)	LACLML: Amended text (<i>italics added</i>), reflecting approval of recommendations	Impact on women's rights
Article 14	Agricultural land plots and allotments owned by Kyrgyz citizens can be exchanged only for land plots and allotments within the <i>same village administration</i> .	Agricultural land plots and allotments owned by Kyrgyz citizens can be exchanged only for land plots and allotments within the <i>borders of the Kyrgyz Republic</i> .	A divorced woman now has the right to exchange her plot of land in any part of the country. This is important in cases where women choose to move back to be with their families following a divorce.

Article 15	The authorized body of the Government of the Kyrgyz Republic shall register the previously owned and newly acquired land plots of the Kyrgyz citizen as an entire (undivided) land plot.	The authorized body of the Government of the Kyrgyz Republic can register the previously owned and newly acquired land plots of the Kyrgyz citizen as an entire allotment, or as divided independent plots.	The revised article gives a woman the right to take her share of land and register it as an independent plot.
Article 16	The owner of an agricultural land plot has the right to sell it in an entire contour, without fragmentation.	The owner of an agricultural land plot has the right to sell it in an entire contour, or as divided independent plots.	Under this revision a woman can take her share of land and handle it at her discretion.
Article 28	Agricultural land plots and allotments owned by Kyrgyz citizens can be inherited to solely one direct heir.	Agricultural land plots and allotments owned by Kyrgyz citizens can be inherited to heirs.	The article was brought into compliance with the norms of the Civic Code on inheritance rights and within the context of land legislation and gives daughters the right to inherit land along with sons
Article 29	Agricultural land plots and allotments owned by Kyrgyz citizens cannot be given as a gift.	Agricultural land plots and allotments owned by Kyrgyz citizens can be given as a gift.	This complies with the norms of the Civic Code and observes civic rights.

Tajikistan

Discriminatory Aspects of Laws and Policies

Legal experts and gender advocates in Tajikistan conducted research that found numerous provisions in the country's land legislation and policy regulations that restricted women's rights. For example, a provision in the Land Code allowed only people with experience in farming and farm management to be entitled to a land share—in many cases, this was used by local authorities to withhold land shares from women, who were generally perceived as inexperienced or incapable managers.

There was also no clear definition of what constituted a land share or arable land. This left the allocation of land shares open to interpretation by local authorities, and increased the likelihood of inferior land going to poorer villagers, and women among them especially. The problem was compounded because of the relatively high cost of registering for a land share, which in itself was prohibitive for many poor villagers.

Studies also revealed that challenges for women lay not only in the language of the law but in its enforcement. Laws lacked sufficient mechanisms to ensure that rights were protected, and that people were aware of how to claim their rights. There was also no clear legal recourse for those who had been unjustly refused a land share—judicial bodies did not have a clear mandate to resolve disputes or complaints in this regard. Local authorities had limited knowledge about land legislation and regulations because of poor information and education efforts by the relevant national government bodies. This led to inconsistent interpretation of the law and errors in how to conduct the restructuring process, and also contributed to corrupt practices.

The data and research collected was shared at a national conference in the capital, Dushanbe, at the end of 2002, which included gender activists, NGOs, and representatives from the national government. The conference helped to validate the research findings, and begin to raise awareness among stakeholders of the need to review the country's land laws and regulations to ensure women's economic security.

In 2003, as the land decollectivization process was underway, Tajikistan's government scheduled discussions

among law-makers on possible modifications to the land laws. UN Women and its partners used the opportunity to raise the issue of changing the law to improve women's economic security. In promoting the women's rights issues within the process of land reform UN Women referred to national commitments to gender equality stipulated through international instruments⁶ and national policies. Legal experts began drawing up proposed amendments to the Land Code often consulting and obtaining advice from UN Women's partners in Kyrgyzstan who had already gone through this process. At the same time, UN Women convened a series of meetings with a variety of officials from the central government. This included the Vice Prime Minister, special advisors to the President, Ministers of Justice and Agriculture, and chairpersons of the State Committee on Land Use, and the Women's Committee⁷. Through the discussions a proposal was made to the government to create a central coordinating body which would examine the gender dimensions of land reform and take a lead in recommending specific improvements to existing laws and policies.

In the fall of 2003, the Prime Minister created a Coordination Council (CC) made up of representatives from government agencies and civic organizations. The CC soon began to assess the recommendations put forward by the legal experts, eventually submitting 11 of these to Parliament for deliberation. In early 2004, seven out of the 11 amendments were approved by Parliament and signed

⁶ The booklet 'Use of International Treaties on Human Rights to Protect Rural Women Rights to Land in the RT' was published and widely disseminated among relevant partners.

⁷ The Women's Committee - National Women's Machinery in Tajikistan plays a leading role in the implementation of state commitments on gender equality.

into law, thus imbuing the Land Code with new women's rights protections.

Monitoring Progress of Women's Access to Land to Inform National Development Policy-making

In Tajikistan a focus was put on developing the capacity of partners around data gathering and monitoring techniques to systematically track the implementation of land laws, especially in terms of their de facto impact on women. These efforts helped the project and its partners to contribute to the process of aligning the various indicators of national development planning processes such as the MDGs, CEDAW, the Beijing Platform for Action, and the national Poverty Reduction Strategy (PRS) into a harmonized set of gender indicators. These indicators were then used to integrate gender considerations in the drafting of the NDS. The end result was a more coherent streamlining of the overall monitoring of the implementation of national commitments to gender equality.

A Core Monitoring Group (CMG) was created in Tajikistan to keep track of how land reform was progressing, and particularly in terms of women's participation and access. Located within the State Land Committee, the CMG was made up of a mix of government and NGO representatives, including staff of the central

Key Amendments in Tajikistan's Land Code (as of 04. 01.2008)

Article 17, clause A:

This article states that all members of a family dekhon farm, including women, are eligible for a Land Use Certificate (LUC), in addition to the General LUC, which is given to the head of the family, typically a man. Previously: If the head of the family received a General LUC, neither the women nor children in the family could obtain documents certifying their right to a land share.

Articles 67-69

These articles have been repealed and no longer appear in the amended Land Code.

Previously: These articles stated that kolkhozes (collective farms) were to be redistributed only to their permanent, full-time members. This meant that women on maternity leave or who were not full-time members were effectively excluded from the distribution process.

Article 66:

A modified article 66 now replaces articles 67-69, stating that all citizens living in rural areas of the country have equal rights to land shares.

Previously: Rural people who were not members of kolkhozes or who performed non-agricultural work were excluded from having land shares. Since many women did not work the land directly, and instead provided health or social services in their villages for example, this had a profound negative impact on them.

Article 71:

This article states that each family now has a right to a land share (specifically a dekhon farm).

Previously: Only one land share was allotted to each household or farmstead. Since in rural Tajikistan, most households include several generations of families living under one roof, the distribution of land shares to different families was unbalanced and often unfair depending on the size of the household.



From Resolution of the Government of the Republic of Tajikistan of April 30, 2004, No. 196

Modern status of women in Tajikistan has significant restrictions in various areas of social and economic life, including employment opportunities, access to highly paid labor, property, rights to land use, and obtaining land plots, etc comparing with the status of men.

To expand economic opportunities and ensure equal access of men and women to ownership, including land, it is necessary:

- to improve awareness of women on their economic rights;
- to ensure access to loans, develop micro crediting system for women;
- to develop intermediary network for sale of agricultural goods and goods of domestic labor of women

State Land Committee, staff of regional branches of the committee in three districts (Sogd, Khatlon, and Direct Rule), representatives of the national Women's Committee, and leaders of NGOs such as "Gender and Development", "Women and Land", "Chashmal Khaet", and "Bonuvon".

The CMG's key tasks were to a) ensure fairness and transparency in the land reform process; b) enhance the capacity of the State Land Committee and the Women's Committee to monitor respect for women's rights within the restructuring process; and c) to educate local governments about the value of collecting data related to women and land for statistical analysis and reporting. A monitoring methodology for land reform was carefully developed that included gender-sensitive indicators, the roles of various responsible agencies, and reporting parameters and timeframes for members of the CMG. A monitoring manual was created to outline this methodology, and serve as a training tool.

The CMG conducted more than 70 missions (2005-2006) at the district and village level—in many cases, members of local Women's Committees and NGOs also participated. The visits included training for local government staff and testing of the monitoring methodology.

An emphasis was placed on discussing with local authorities and villagers the problems related to land regulations and procedures, such as obtaining certificates or forming dekhan farms. Often, monitoring visits would take place before official meetings on farm restructuring, to elicit dialogue and feedback from the community. The monitoring group would then also participate in the official meetings that followed.

Based on the findings of the monitoring missions, and information collected from District Information and Consultation Centers, the Coordination Council recommended that the State Statistics Agency work on improving gender-sensitive statistics related to agriculture and farming. This resulted in the government endorsing several gender-based indicators, which went into use at the beginning of 2005. These indicators aided in the collection of land and agricultural data disaggregated by sex by statistics offices at the district level. The information was then discussed at consultative workshops for further analysis and to determine what kinds of measures needed to be put in place to respond to the data. The new sex-disaggregated data and indicators were used extensively to engender the process of drafting Tajikistan's NDS—members of the NDS Gender Working Group were able to amply promote gender priorities within the NDS using the data around women and land. At the same time they were also able to use the indicators as a model example to reinforce the importance of gender equality considerations in all aspects of the NDS.

New Gender-based Indicators Help to Streamline Monitoring of Women's Access to Land

The endorsement by Tajikistan's government of new gender-based indicators to be used in collecting data at the village and district levels was a significant result of capacity development efforts. Up until then, available statistics were only in total numbers and not broken down by gender. The new indicators included for example: The number of dekhan farms registered to men/women

- The number of dekhan farms headed by men/women
- The size of land plots within a restructured farm which are used by men and/or women
- The types of dekhan farms or other agricultural enterprises headed by men/women
- The productivity level of dekhan farms or other agricultural enterprises headed by men/women.

UN Women project materials, Tajikistan



3

Empowering Women in Grassroots Communities



Through the provision of legal counseling, business training, and the establishment of cooperatives and self-help groups, rural women were empowered to take control of their social and economic security. This helped open up opportunities for women to become leaders in their communities, and participate in local decision-making, when they had previously been marginalized from such processes.

“You gave our rural women a good and efficient tool to overcome poverty. One can give money to a person, but another can give knowledge and skills. The former will come to an end soon, while the latter will be kept forever. It is hard to overestimate such help. Now, everything depends on women themselves—whether they have enough diligence and persistence to apply this knowledge...”

Editor of a district newspaper, Kara-Kuldja village, Osh province, Kyrgyzstan

Key Factors Influencing Success

- Free legal advice and counseling on the land reform process and women's right to land met a critical need. The vast majority of rural people were unaware of their rights and unclear about the regulations and policies surrounding the reform process. Rural women in particular benefited from legal services, resulting in thousands securing land they would not have been able to access before.
- Placing access points in remote areas: It was important to reach out to rural communities even in remote areas since these groups often more sharply felt the negative effects of the reform process. Legal advisors in Kyrgyzstan provided most of their counseling (88 percent) in the field, that is, only 12 percent of legal support was provided in the project office. In Tajikistan, villagers could get help at local Resource Centers in villages before seeking help from the more distant District Task Force offices.
- Case evidence and data collected in the process of providing legal advice was used to establish important baselines, to validate advocacy to improve legislation and policy, to inform national and local development strategies, and to monitor progress.
- Support to secure agricultural and economic resources: Once women were able to secure land (either to own or control), they needed assistance to access agricultural equipment, seeds, fertilizers and credit facilities to be able to effectively use that land for their benefit.
- Training to expand knowledge and skills around farming and business development was as essential as arming them with knowledge of their rights.
- Community mobilization initiatives were a useful way of promoting sustainable rural development and empowering rural communities. As villagers combined their efforts to pursue community interests, they succeeded as a group to better access resources and meet livelihood needs.

Knowing and Claiming their Right to Land

Legal advice and counseling were provided through local offices set up in each of Kyrgyzstan's seven provinces. These offices were staffed by a legal advisor and a development specialist, whose primary duties were to offer free legal advice to rural men and women on land rights, usage and leasing; the land registration process; and resolving disputes over land ownership and usage. In addition, they provided support for community initiatives, helped to develop partnerships with local authorities, and managed public information activities. Often, legal advisors' efforts went beyond legal consultations to include meetings with local land specialists, heads of local authorities, and representatives of local justice systems. This opened up spaces for discussions about other issues related to the land reform process such as taxation, social insurance, civic rights and participatory governance.

Importantly, each office was responsible for collecting, managing and tracking information and evidence obtained in the process of providing legal assistance to villagers. This data, along with other research gained from needs assessments, community consultations and hearings, was entered into an electronic database to systematically catalog and track women's de facto access to land and makes legal advice on land issues accessible online. Furthermore, the database is being used to organize regularly updated sex-disaggregated statistics that are being fed back into policy planning at the local and national levels, and helping to more accurately represent the situation of people in rural communities around the country.

Prior to the project, many women with land shares thought that there is no need for land certificates. Many of them hurried to arrange the certificates after they attended the seminar where they learned the importance of these documents. Thanks to raising their awareness, many of these women avoided possible problems.

In-depth interview, Batkegn province, Kyrgyzstan

Focus group discussions with women farmers who explained that land alone was not enough to sustain a livelihood, showed that capacity interventions such as agrobusiness skills training, facilitation of agricultural services and credit by local authorities, and ongoing advisory support on land management were crucial for women to have economic security.

The project provided valuable help in land issues. Legal consultations helped women and men a lot, especially widows with many children and the unemployed. For instance, for several years, citizens of Ravat village have been paying land tax for non-irrigated land and they did not know how to return these unused lands to the state. Thanks to UN Women, they learned how to transfer land from one category to another. This was a big step that has never been done before.

Focus group participant, Batken province, Kyrgyzstan

Increasing legal literacy of rural men and women in Kyrgyzstan

Between 2004-2009, project lawyers conducted over 9,000 individual and group legal consultations with nearly 17,000 residents of rural areas, half of whom were women. 67 intensive legal training workshops were held for nearly 3000 women. Through the legal advice provided to them, 1200 women gained access to land that they had been prevented from owning, using or managing.



Gulmairam's Story:

"I am sure that many women find themselves in a similar situation; however, there are only a few who have the strength, patience and courage to assert their rights. Often women do not know how to obtain justice. They do not believe in it. If it were not for this (UN Women) project, I might not have been able to protect my rights..." -Gulmairam.

When Gulmairam's husband fell seriously ill, and her family had to move away, a verbal agreement was made to allow her husband's brother Asan to temporarily use their land share of 4 hectares in their absence. Asan agreed to pay all taxes and social fund deductions related to the use of that land. When her husband passed away, she asked Asan to show her the boundaries of the land plot and to return it to her. He refused.

She turned to the local government for help but was turned away. Gulmairam pressed on, going to the local State Register body, which issued her a land certificate, but without an actual survey of the land plot. She was informed her that the local government would have to clarify the boundaries before she could officially register the land as hers. To make matters worse, a member of the local government told Gulmairam that after her husband's death that his brothers had divided up the land belonging to her, that the government had approved this, and the state register had issued a certificate to them for the right to use that land.

Trapped in a vicious circle, Gulmairam was growing more desperate by the day, when she learned through fellow villagers about the UN Women project and sought help. The project team discovered that according to primary documents, Gulmairam's family had full rights to the land despite the local government issuing a land certificate to her husband's brothers. She was given help to prepare the complaint, and identify the specific articles of the law that had been violated and the necessary remedies stipulated by the law.

A commission was convened with representatives of the aksakals courts (courts of elders) and the local state register body to review the complaint. It was agreed that Gulmairam's right had indeed been violated. The illegal land certificate was withdrawn and the land was finally returned to Gulmairam, and officially entered in the State Register.

UN Women project materials, Kyrgyzstan

In Tajikistan

Legal advice in Tajikistan was provided through District Task Forces (DTF) based in the offices of local (district-level) Women's Committees under the jurisdiction of district local governments. 16 task forces were established in three provinces, each staffed by a legal advisor and an employee of the Women's Committee. Villagers were provided with legal counseling and assistance on how to register for land shares, set up dekhan farms, obtain the right land certification, and settle land disputes. Legal consultations were offered three times a week including field consultation and widely publicized by radio and through flyers. Monitoring visits⁸ demonstrated sustainability of District Task Forces, which after the completion of UN Women support continue its functions with state financing. Thus in Sogd region the local authorities made decision to increase number of DTFs from 6 to 18, which are run by the local governments. Such decision was substantiated by the importance of DTFs which ensure that information and access to legal advice reach people, especially in remote areas.

"Owning Land is Not Enough"

Over the course of providing legal advice to women about their rights to land, UN Women project staff heard the same words repeated over and over by the women they met—"Owning land is not enough."

For many rural women, even if they owned or controlled a plot of land, they were unable to work their land or increase its productivity because they could not afford to buy seeds and fertilizer, or farming equipment, or could not access proper irrigation. Clearly, efforts to improve rural women's economic security would thus require not just assisting them to acquire land they had a right to, but also increasing their access to necessary agricultural services and economic resources needed to work that land.

In Kyrgyzstan, focus groups were first organized with agricultural extension service providers to identify various ways to assist women with getting the economic resources they needed to use their land effectively. Roundtable meetings were then held between women farmers, NGOs, local government

⁸ Monitoring of the programme implementation "Main directions of state policy aimed at ensuring equal rights for men and women in the Republic of Tajikistan"

Increasing legal literacy of rural men and women in Tajikistan

From 2003 to 2008, an estimated 17,000 people 84% of which are women, received legal advice and practical assistance on land issues from District Task Forces in three provinces.

In 2009, District Task Forces (DTFs) provided consultations and legal advisory support to 3599 people (91% women). Proportions of positively resolved cases were: 32% on issues related to the Civic code; 21% to the Family code, and 26% to Land code. 80% of all applications to the central office of the Women's Committee have been solved positively.

In 2005, a group of villagers from Zhany Zher village approached UN Women project staff for information and advice on setting up a trade and services cooperative.

The group received comprehensive advice on the principles of joint accountability, establishing common economic interests, and how to create and effectively manage the activities of a cooperative. Soon after, a general village meeting was held during which individual farmers agreed to establish a cooperative and to make financial and in-kind contributions (agricultural machinery, fertilizer, chemical protection means) to ensure its sustainability. According to Mamasadyk Matmuratov, who served as the accountant for the cooperative, “the most difficult thing was to persuade the villagers of the advantages of the cooperative, since privatization of land for the last decade has fostered the idea of individual ownership of land. It was difficult, but many people managed to overcome their doubts and commit themselves.”

The cooperative was registered with the local authorities, and began to address the common challenges, such as of purchasing fertilizers, good quality seeds, and veterinary preparations. Strength in numbers helped Members to successfully negotiate with suppliers, and to obtain 53 tons of good quality fertilizer seeds for different crops, and veterinary preparations. With help from a cooperative member, the group also succeeded in purchasing a new tractor. Following workshops on developing technology maps and explaining the basics of the farming economy, members had increased their profits by 30% by the end of 2005, and in 2006 by 45%.

UN Women project materials, Kyrgyzstan

representatives, credit-granting organizations, and consultative agencies⁹ to discuss the kinds of projects that could be started to provide the needed resources. Training was simultaneously being provided to women farmers on starting and expanding their own businesses. Workshops conducted jointly by UN Women and UNDP trained women in agricultural technology and processing, farm management, and how to set up cooperatives.

In all, an estimated 800 women received support on farming, agro-business development, agro-technologies and small business start ups. One result was the establishment for example of more than 40 bakeries in various provinces. In one village in the Batken province, 140 villagers managed to avoid the crop yield losses they had endured for two years because of their new knowledge on agricultural technologies.

An important emphasis in grassroots interventions was to encourage community mobilization for collective action on farm management, to promote sustainable overall community development. Rural women were especially encouraged to band together to better meet their needs and ensure their voices were heard.

One initiative involved setting up cooperatives, such as Trade and Services Cooperatives (TSC) which helped members better secure access to fertilizer, fuel and seeds for crops as a group, rather than as individual farmers. In Kyrgyzstan, women who participated in business training workshops formed seven TSCs for example, while in one village, 25 families came together to form two cooperatives that successfully obtained the resources they needed from a neighboring cooperative.

⁹ These included provincial-level Agricultural Advisory Services, the Association of Agro-entrepreneurs of the Ferghana Valley, the Village Investment Development Agency, micro-credit unions and the Fund for Business Support.

In Tajikistan, rural women formed self-help groups. From 2003-2007, with the help of local NGO partners¹⁰, a pilot initiative to create such groups was carried out in two districts, targeting rural women who were most in need. One group was formed in each district, made up of 15 members who were considered the most vulnerable in the villages in that district—in at least 10 out of 30 families for example, the men were unemployed and the women sole breadwinners, while also caring for between four and seven children per family.

In the Vakhdat district, the eventual mobilizing of 200 men and women farmers (59 percent women) resulted in the formation of 18 self-help groups committed to joint action on land management in their villages. A survey conducted among them revealed that most had improved their knowledge of taxation, social guarantees for farmers, gender issues, business development and financing. At least 20 percent of members became heads of farms (including women), while all members were able to secure financial loans to develop their enterprises. Furthermore, the pilot initiatives led to the establishment of a nationwide Cooperative made up of all members of self-help groups. Even after completion of the support from the project the Cooperative “Namuna” provides technical and consultative services to farmers through microcrediting schemes and dissemination of farming guiding materials developed within joint UN Women/FAO project.

The experiences of the self-help groups in Vakhdat led to a Farmers’ Guide being developed to capture the ways in which community mobilization can help to improve access to land and increase its use and productivity. The Guide is being continuously used by women’s NGOs, gender experts provide information to women farmers on available agricultural services, credit services, land cultivation techniques, the use of fertilizers to improve harvests. It also answers most frequently asked questions about taxation, land use and rights, water management, social security and inheritance rights.

¹⁰ The NGO Bonuvon, and the NGO Rights and Prosperity in Vakhdat district, and the Association on Reproductive Health, the Sogd district. All three NGOs have a proven track record of promoting community initiatives, including on women’s rights issues.

The Holchamol Dekhan Farm, Tajikistan

Holchamol Pirrova, who had been working at a collective farm for a long time, had a lot of experience working the land and a talent for organizing. Despite this however, she had never been allowed to become a manager of a farm enterprise. She approached a District Task Force office for help because she had decided that she would like to have a land share and become the head of her own dekhkan farm.

DTF staff assisted Holchamol in gathering the information she needed to apply for a plot of land. She was finally given a 16 hectare allotment, but with a condition—she would need to employ poor and unemployed women to work the land. Sections of that plot were distributed between 26 women, and the Holchamol dekhkan farm was born. Each of the 26 women’s names was listed on the land use certificate, something that they had never experienced before.

Today, the women of Holchamal dekhkan farm, led by Holchamol herself, are actively working to build up their farm. They receive support from the District agricultural department to help keep the tractor working, and are focused on stocking the farm with the seeds, fertilizer and equipment needed to increase its productivity. In 2008, they already received a good harvest of raw cotton.

UN Women project materials, Tajikistan



4

Capacity Development:
Expanding Knowledge, Skills and Partnerships

Capacity development¹¹, used as a cross-cutting tool across UN Women’s programming approach, focused on expanding the individual competencies and collective capabilities of key stakeholders to use a rights-based approach to advance women’s economic security and rights within the land reform process. Interventions were directed at supporting such stakeholders to more effectively engage in the development and implementation of strategies, normative frameworks (like laws and policies), and resource allocations so that these would be gender-responsive and in line with national and international gender equality commitments. Importantly, capacity building activities aimed to help generate a critical mass of national actors inspired and motivated to incorporate gender equality in all aspects of their work in a sustainable manner.

¹¹ The definition described here for capacity development is that put forward by the European Centre for Development Policy Management (ECDPM). It is taken from a working draft of a policy note—‘Framework and Guidance Note for Capacity Development’—developed for UN Women by Heather Baser and Anette Wenderoth for the Universalia Group.

“The issue of gender for us was more or less familiar as we have been working with UN Women for a long time now; however, I want to emphasize that the issues of gender-responsive budgeting “woke us up”. We have started to set priorities for dealing with our problems, calculate how much money and other assets we need to solve these problems, where and how to raise those funds. We know that any project proposal would be considered as well justified if it clearly defines the outcome of the proposed activities and if it describes how the life of villagers, men and women, will be improved.

Local Government Representative,
Naryn province, Kyrgyzstan

Key Strategies:

Targeting strategic change makers at all levels such as:

- Civil society and community-based networks
- Local governance institutions
- Councils of elders (traditional justice institution)

Supporting development and implementation of gender-responsive policies and strategies via:

- Training in women's human rights and the gender aspects of land reform
- Technical assistance to improve data collection and monitoring techniques
- Training in administering, managing, publicizing, and responding to land rights issues

Expanding rural women's access to skills-building in land management, business and entrepreneurship

Supporting participatory and gender responsive local planning and budgeting

Encouraging good governance and accountability by promoting government-citizen interaction

In terms of growing the capacity of individuals (both within government and civil society), activities sought to expand their knowledge, skills, attitudes and motivations to push for women's rights concerns on an ongoing basis, and to monitor the implementation of policies and strategies to ensure that women were not being discriminated against, and were able to exercise their rights.

Activities to help increase the collective capabilities of groups (such as organizations, institutions and networks) involved growing not only functional or technical skills and abilities—such as operationalizing national commitments into practical gender-sensitive policies or integrating gender concerns into strategic planning—but also abilities like relationship/network building, organizational learning, and tracking progress of the implementation of gender equality commitments over time.

Capacity development support provided to government institutions included for example, training and technical assistance to increase gender-sensitivity and to practically apply gender equality principles to land reform laws, policies, and implementation mechanisms. An emphasis was placed on deepening understanding of human rights commitments and obligations, and highlighting the importance of taking gender concerns into account in decision-making for the good not only of women, but of society as a whole. Also stressed was the value of monitoring the implementation of policies, not only to measure progress, but also to aid in identifying and addressing gaps and challenges along the way.

Civil society organizations, and rural women's NGOs in particular, were assisted in aligning their missions and objectives along a rights-based axis, to ensure that their efforts to empower women would have a strong justification on the one hand, and be linked to their valuable role of holding government accountable to women on the other. Capacity building activities supported NGOs' ability to effectively conduct advocacy campaigns, to expose discrimination against women, to produce and disseminate knowledge and information, and to develop partnerships and networks to exchange information and coordinate actions.

Finally, capacity development initiatives aimed to foster and help strengthen government-citizen relationships. This entailed opening up spaces for government entities and civil society groups to work together on joint initiatives to achieve sustainable development goals. It also meant focusing on improving governance elements, such as transparency and administrative effectiveness for example, while also encouraging greater participation, especially at the community level, in local decision-making.

Expanding Knowledge and Skills through Training and Technical Assistance

Extensive training was provided to government staff and civil society groups in Kyrgyzstan and Tajikistan to improve gender-sensitivity and increase understanding about women's human rights, especially in regard to women's land rights. CEDAW was used as a key reference to discuss government obligations to remove discrimination against women and empower them, and show how this could translate into actions in the national context. Laws governing land rights were examined in detail to illustrate their different impact on men and women, and show how they could directly or indirectly give rise to inequalities and discrimination.

In Tajikistan, technical assistance was provided to help create a network of gender specialists to lead and facilitate gender mainstreaming of policies and programmes within several government agencies and ministries, such as the Ministry of Agriculture, the Land Agency, the Civil Servants' Training Institute, and the Rural Development Bank. The

network was officially endorsed by the entire government bureaucracy and formalized with a Memorandum of Understanding that describes their specific roles, responsibilities and functions. This was followed by a number of training sessions for members of the network on all aspects of engendering the land reform process. Similar networks are expected to be established at district and province level to better meet the needs of rural communities.

Local government was an especially important target for capacity development activities. In Kyrgyzstan, almost 400 heads of village councils attended workshops to discuss the Law on Agricultural Land Management and provisions in other laws such as the civil, family and land codes that were relevant to women's property and inheritance rights. These local officials also heard directly from women whose land rights had been violated, and learned about the government's obligations to women under CEDAW. In addition, 70 village and district-level land specialists were trained to increase their technical knowledge of women's land rights and data collection techniques to better enable them to respond to rural women's concerns and give them accurate information and advice on land issues.

Similarly in Tajikistan, more than 650 local government officials and staff from the Land Agency, the Women's Committee, NGOs and informal rural community groups went through a series of training workshops on the gender aspects of the land reform process. This helped promote their more effective involvement in the land restructuring process, from improved skills in dealing with farmers' concerns, to more participation in pre-restructuring awareness campaigns. As a result, the number of women

who participated in the farms pre-restructure awareness campaigns in 15 state farms was increased by 45%. Further training and technical assistance for staff of national and local Land Committees and Women's Committees helped to improve their data collection and monitoring techniques. During field trips they took to various villages after the training, and in meetings with local authorities, they were able to apply these techniques and in the process, paid more attention to gender inequalities and persistent obstacles facing women seeking land shares. The training helped expand the ability of staff of district Women's Committees to assist rural women to set up dekhkan farms, obtain necessary

land certificates and settle family-related disputes. These services, combined with legal advice and counseling (mentioned earlier in Chapter 2), and the dissemination of informational materials on the land reform process, were provided at District Task Forces. Thousands of rural men and women were reached in this way. Data indicates that between 2002 and 2008, the percentage of dekhkan farms registered to women increased from 2% to 14%. Indeed, the status of local Women's Committees was enhanced as villagers recognized the value of services provided at the centers. Furthermore, the effectiveness of the centers led to local governments committing to financially supporting them in at least 16 districts around the country.



Prior to obtaining the information, the women did not know about violations of their land rights. After the seminars, they started applying to courts of the elders and the State Register. The consultations of the UN Women project lawyer helped many people. It is always good when the violated rights are restored.

Focus group participant,
Batken province, Kyrgyzstan

Courts of elders in Kyrgyzstan, who administer community justice, were targeted because of their crucial role in protecting women's right to land, property and inheritance at the village level. Since these informal justice systems are often the first and only point of contact for rural men and women to address grievances and resolve disputes, it was critical to increase understanding among elders of the gender aspects of land reform and land management. Further, since the reform process often gave rise to disputes and wrongful claims brought forward by villagers, courts of elders that were gender-sensitive could help ensure that women received fair and equal treatment in the dispensing of justice. UN Women and its partners organized 16 trainings with members of courts of elders, and judges from official provincial courts, followed by more than 100 meetings to review and consult on land and property disputes raised by rural women. As a result, 15 women farmers received access to irrigation water and resolved land disputes. Close involvement of members of Elder courts and official courts representatives was ensured through their participation in 45 field legal clinics undertaken by the lawyers of the UN Women project.

Capacity development activities for rural women in Kyrgyzstan included training on starting and expanding their own businesses, or even venturing into new types of activities that were not immediately related to farming, such as seeking state contracts to cater food for schools. Skills-building workshops expanded their knowledge of agricultural technology and processing, farm management, and how to set up cooperatives. (This is described in more detail in Chapter 3). To widen the reach of such activities, a 'training of trainers' (TOT) strategy was employed, resulting in a useful ripple effect in terms of expanding the numbers of women able to become economically self-reliant. Out of the initial skills-building workshops, several women were tapped to become trainers for their villages. 14 women (from where) who underwent TOT training were able to conduct subsequent workshops for 280 female farmers and unemployed youth in their villages, leading significantly to the set up of 41 mini-factory/bakery enterprises. Another 17 women from Batken, Osh and Jalal-Abad provinces trained rural women's groups on how to set up cooperatives—this led to at least seven initiatives to create goods-and-services cooperatives.

Before the project, no one would even listen to us women, but now we are involved in decision-making. We are listened to and taken into account.

Focus group participant,
Osh province

Why Gender-Responsive Budgeting?

Budgets matter because they determine how governments mobilize and allocate public resources. Budgets are used to shape policies, set priorities and provide the means to meet the social and economic needs of citizens. A gender responsive budget analysis refers to the analysis and reordering of budgetary priorities from a gender perspective. [It] identifies the implications of budgets for women and girls as compared to men and boys. It forms the basis for reordering the budget process and priorities to support women's empowerment and gender equality.

From Gender Responsive Budget Initiatives Brochure, 2001

Protection of Women's Rights in Official Courts in Kyrgyzstan

Over the period of 2005-2009 - twenty cases have been successfully resolved at the level of the formal courts and the rights of more than a hundred men and women have been protected with the support from UN Women project Strengthening women's economic security through land reform in Kyrgyzstan (hereinafter referred to as 'the project'). These cases have been of different types and varying degrees of complexity, involving disputes concerning family affairs, housing, civil matters, land relations and economic issues. Disputes concerning civil matters were related to the protection of property, accommodation and inheritance rights of women. Often, women approach the project lawyers for assistance in resolving cases when the period defined in the statute of limitations has passed or they have missed some other deadline for claiming their inheritance rights; when title documents for property are absent or have been lost, and when there is an absence or loss of documents related to their identity, their family status or their children.

In most cases, women approach the project lawyers for help after their cases have been heard in a court of first instance and the decision of the court has not been in their favor. In many cases, the materials and documents provided by women are insufficient and controversial and the project lawyers have to carefully and thoroughly examine the available documents and evidence in order to identify an opportunity and

reason to apply to the court or to lodge an appeal. The project lawyers correspond with the authorities and government bodies involved in a dispute, request missing documents and materials and clarify the facts. When it is necessary, the project experts and lawyers will go to villages to meet with the parties and they will request that the appropriate government bodies provide the necessary documents for detailed study of the circumstances of the case. In special cases, the project lawyers have to seek expert assistance from an independent panel of experienced legal experts - professionals who are well versed in the specifics of a dispute and the judicial system of the country.

Thorough preparation is of vital importance when the project specialists are participating in court hearings if they are to be fully competent. In order to track the development of a situation, the project specialists have developed a "chronology of events" form which allows them to create a complete and accurate record of an event or a dispute as it unfolds.

The legal information system, the library resources and other resources of the project allow the project lawyers to familiarize themselves with current regulations and apply that knowledge to a particular situation. Legal support and assistance is provided by the project lawyers through the provision of legal counsel to protect the interests of a beneficiary in a court hearing.

The project lawyers, after receiving power of attorney to represent the interests of a woman, act as her agent

in the court hearing and they are entitled to perform, on her behalf, all the proceedings under the Civil Procedure Code at all stages of a case, from the first instance (a District Court) up to the supervisory authority (the Supreme Court). During the process of preparation for a hearing, the project lawyers discuss with the beneficiary the details of the defense of their interests, determine the range of issues that need to be clarified during the hearing and formulate a final demand. Depending on the judicial decision of a court of the first instance, the project lawyers will prepare appeals for consideration in a court of second instance, and then, if necessary, prepare a supervisory complaint for consideration in the Supreme Court.

Thus, the project lawyers advocate for the interests of the beneficiary in hearings at courts of all instances, arguing with reference to procedural and substantive law, and utilizing the chronology of events.

This thorough preparation by the project lawyers for the hearings allows them to build a strong, reasonable and justified case, to provide solid evidence and arguments, and thus to demand a just and fair decision.

UN Women project materials, Kyrgyzstan

In addition, 185 village women leaders and activists were trained as community advocates specializing in land rights—they act as peer counselors and help fellow villagers solve practical and legal problems related to land.

Encouraging Participatory and Gender-Responsive Local Planning and Budgeting

In Kyrgyzstan, UN Women and its partners introduced gender-responsive planning and budgeting as a mechanism to strengthen the enabling environment for rural women's involvement in local decision-making.

A 2-pronged approach was taken, which included firstly, building the capacity of rural women to articulate and advocate for their needs and interests, and participate in local planning and budgeting processes, and secondly, sensitizing local governments on the need to consider gender in such processes. Both activities were mutually reinforcing: increasing women's capacity to participate in local planning would depend, to a large extent, on the level of transparency and effectiveness of the local governance system. Increasing the capacity of the local authorities to apply transparency and a gender lens to decision-making processes, would open the door for greater inclusion of the voices of rural people, especially women, in such processes.

Given that gender-responsive planning and budgeting was a new concept in Kyrgyzstan at the time, it was essential to first develop a methodology and training modules to aid in conveying key ideas to local partners. Introductory meetings involving about 300 representatives from local government, community groups, as well as gender experts and advocates, explained the effectiveness of using participatory and gender-responsive budgeting as a tool

to improve local development planning and spending, and ultimately improve government accountability to citizens. Involving the community in decision-making would help to make the process more open and fair, and go a long way towards increasing trust in government institutions. The meetings led to numerous agreements by local partners to use gender budgeting at the provincial level.

A methodology was carefully devised in 2004. The steps taken included preparatory work to sensitize local authorities and community groups on applying gender in planning processes; participatory exercises with rural community members to prioritize local problems needing attention; dialogue between local authorities and gender advocates to highlight gender concerns and integrate these when formulating annual plans and budgets; and participatory activities to subsequently monitor and evaluate the implementation of priorities as stated in the annual plans and budgets.

In 2005, the methodology was tested in 17 villages. Community meetings between local authorities and gender advocates led to the creation of core groups of community leaders tasked with promoting community activities in selected pilot areas. 45 members of local village parliaments actively engaged in dialogues with their communities to jointly identify gender concerns, pressing problems, and strategic actions to be taken. [This process of dialogue bore fruit soon after, when UN Women introduced the Small Grants Fund—most of the local government and community members who had started working together were successfully able to secure grants for their projects. [See section below on Promoting Good Governance.]

In 2006 and 2007, pilot projects were launched with a local government in each of Kyrgyzstan's seven provinces to further test the methodology. Each of the seven pilot initiatives included the following stages:

Before the project, people used to break into the local government's doors every day, and we had scandals all the time. We are thankful to the project, since our government found money for the canal's rehabilitation. Ordinary people, community members and civil servants have realized we can work together as partners. We can now proceed together to address most of our common problems.

Focus group participant, Chui province,
Kyrgyzstan

I can't say it has become easier for me to work. It's been harder, in fact. People have started raising demands. They keep telling me what to say and what not to say they keep reminding me they have elected me and expect results. At our meetings, they can publicly criticize the principals. Nevertheless, I welcome that. Most people used to be indifferent before. All they cared about was to leave for the city.

Local government head, Issyk-kul province,
Kyrgyzstan

Mr. Arziev Akhmedzhan is from the village of Progress, Chui district in Kyrgyzstan, and a member of the local parliament of the local government of Onbirzhyl. He participated in a training workshop, "The Role of Members of Local Elected Bodies in the Processes of Gender-Responsive Local Planning and Budgeting", organized in 2005. After the training, Mr. Akhmedzhan attended regular meetings of parliament devoted to reporting on the execution of the 2005 budget. Here he describes one of these meetings:

"Recently a session of the local parliament was held where the execution of the local budget for 2005 was approved. This session was quite active. There were many questions and discussions. We argued a lot, and even quarreled over each budget item. Some were saying that there are errors in taxes; we were trying to find out why this had happened, whose fault it was and why rental fees for lands were low. We were very critical in asking why funds in the expenditure line of the local budget had been changed. Why was this issue not discussed with deputies? We had so many "whys" like this. In the end the head of the local government said that we used to be good deputies before, but after we attended the training on gender-responsive budgeting we had become so aggressive. Our response

was that we used to be "good" because before, during the sessions we were raising our hands silently, voting affirmatively for anything we were asked to vote for. Now we know that we are also responsible for everything that is going on here; that we are authorized by our villagers to work properly and correctly, so we demand that everything should be done properly. And that does mean that we have become aggressive.

Such opinions were expressed, because at the session most of the deputies who raised their voices were those who were trained at your workshop. At the training, we gained knowledge about our powers, rights and obligations in being deputies of the local parliament, but also we had an opportunity to share our experience with deputies from other local parliaments. We are very grateful to you for this training and we would like to have more training like this. You also know that there is not a single woman among deputies in our local parliament. Would it be possible to help our women in future local parliamentary elections, through training and some kind of support? We do know that we need women among us."

UN Women project materials, Kyrgyzstan

- intensive training for staff of local government, community-based organizations and women's groups on the theory and practice of gender budgeting
- collectively defining community priorities, with an emphasis on solving challenges most commonly faced by women
- drafting gender-responsive local development plans and budgets based on these priorities for each village
- convening public hearings with villagers to discuss and endorse the development plans and budgets.

The methodology and approach were documented and evaluated as the pilot projects ran their course and used to develop a training handbook that was then distributed to local partners and NGO networks. In all, 158 community members gained new knowledge about participatory and gender-responsive planning, while more than 600 villagers participated in the public hearings.

The project's results were taken up at the national level. Using the experience gained locally, experts were commissioned to review budget processes at the central level with a view to introducing the concept of gender budgeting nationally. This was followed by an in-depth analysis of the existing national budget and related resource allocations. In late 2005, successful advocacy by UN Women's partners led to the government agreeing to include gender budgeting on its parliamentary agenda, which in turn led to a sub-section called 'Integration of Gender Policies into Budget Processes' being included in the 2007 Budget Resolution adopted by parliament. The Ministry of Finance also soon after issued a directive establishing a ministerial working group to develop guidelines for applying a gender-responsive approach in the national budgeting process.



Promoting Good Governance – Encouraging Government-Citizen Partnerships

An important thrust of UN Women’s capacity development interventions was to stimulate greater interaction and cooperation between government and community to build trust, encourage civic participation in local decision-making, and help create a sustainable, rights-based enabling environment for communities to collectively achieve development goals. Importantly, this would also aid in promoting better accountability by government for their actions to meet development priorities.

To promote collaboration between rural villagers, especially women, and local authorities in Kyrgyzstan, the project introduced in 2005 a community granting scheme called the Small Grants Fund. Application guidelines stated that interested community groups and local governments would need to undergo a participatory planning process together through community meetings. Participants were expected to agree on a set of community needs that could be met with financing from the fund, and jointly design a local development project. A National Selection Committee, made up of representatives of the President’s office, relevant government bodies, international organizations, NGOs and local authorities, was in charge of screening all applications and selecting the grantees. 12 proposals were selected (totaling almost \$100,000), with most aimed at meeting urgent needs such as restoring irrigation, accessing agricultural extension services, purchasing seeds and fertilizer, and restoring village health centers. The grantees (or working groups as they were referred to) comprised of rural women leaders, community activists, members of local government, and civil society groups.

Yntymak Prioritizes Cultivation of Poorest Families’ Land

The idea to form the ‘Yntymak’ (Solidarity) community organization came from a group of poor women from the village of Kaiyrma, in the Chui province of Kyrgyzstan, after they had participated in training on gender-responsive local planning. They hoped that by banding together they could better address the daily challenges they faced. When the Small Grants Fund was announced, Yntymak initiated dialogue with other villagers and some local government officials about starting a project that would benefit the community.

Everyone eventually agreed on their most important priority: cultivating land belonging to the 12 poorest families in the village, which were headed by widows and single mothers. During the land distribution process in their district, these women had received abandoned, stony land plots. It was extremely difficult to cultivate this land, and they could not afford the investment required to improve the land quality.

With support from the Small Grants Fund, these women were able to cultivate 43 hectares of their land for the first time in six years. Said one of the women, “With this help, we have proved to ourselves and our community, that if we work together, we can change the lives of our families for the better.”

UN Women project materials, Kyrgyzstan

The majority of projects were implemented between April and December 2006, with far-reaching consequences and significant positive change for the respective communities. A total of almost 27,000 villagers, more than half of whom were women, were able to improve their livelihoods. For example, projects that supported the renovation of irrigation canals and ditches enabled almost 17,000 villagers to irrigate 2,659 hectares of land. 5,600 villagers had improved hygiene and sanitary conditions in their village through constructing a new public bathhouse. In other villages, a rehabilitated rural ambulance center provided much-needed access to first aid, obstetric and pediatric services, while a reconstructed road helped make land plots that were difficult to reach more accessible. 194 families received access to a renovated water mill and preferential terms for grinding wheat produced on their land. 12 female heads of farms received support to cultivate 43 hectares of land—something they had been trying but failing to do for six years (see story below)

The participatory planning process of each project contributed to an overall increase in villagers' confidence in local officials. It also led to increased knowledge of grantees on how to apply gender-sensitive planning and budgeting tools for community development. Workshops organized by UN Women built the capacity of groups to understand necessary financial, administrative and reporting requirements—groups were expected to develop detailed implementation plans specifying expected results, actions, timeframes, and persons responsible for tasks. Regular community meetings informed the larger community and village authorities of the progress of the projects and solicited their participation in helping with implementation. Importantly, to ensure the sustainability of efforts, each project upon completion, needed to pass through an acceptance process managed by a Village Steering Committee, that laid out the terms and conditions that needed to be met for project maintenance in the future.



‘We will solve the problems of our village through partnership!’

The Batken province of Kyrgyzstan is located in a mountainous area, where the population is predominantly engaged in land cultivation, livestock breeding and horticulture. In 2006, in the village of Zhany-Zher in Dara ayil okmotu, it became apparent that a poor irrigation system was leading to severe drought—over 584 hectares of land were drying out and losing fertility, and almost 40% of gardens and vineyards had already dried out in previous years. Water was either not adequately reaching the land or was not efficiently being used, resulting in farmers not being able to harvest yields in sufficient volume.

To resolve the problem, women activists from the village decided to join together to develop a project that could apply for funding by the Small Grants Fund. The idea was supported by the village community and the local authorities of the wider Dara ayil okmotu, and after several consultations, a proposal called Suu Omur Bulagy (Water – the Spring of Life) was put forward to repair the irrigation canal to increase its capacity.

The proposal won funding from the Small Grants Fund, and members of the working group also made additional contributions (in the form of money or resources such as trucks to deliver construction materials). The group did not stop there

however, realizing that they would need more funding to properly execute the project, because of its sheer scale and scope. Women in the group decided to run a fundraising campaign that would solicit support from the whole community. This successfully led to an increase in voluntary financial and in-kind contributions, which aided in the project’s eventual completion.

In July 2006, the renovation of the irrigation channel was officially launched. Suu Omur Bulagy, as a joint government-community project, received high praise from the Governor of Batken province. He said that the project’s costs could have been much higher but for the joint efforts of the community, which led to a good and effective solution at lower cost. “There are a lot of problems of a social and economic nature in the region. However, if all these problems are solved in the same way as the Dara ayil okmotu, through initiatives of the community, with active participation and support of relevant authorities, not only will the Batken region solve its problems and accelerate development in a short time, but the whole of Kyrgyzstan will make a big step toward development!” he said.

UN Women project materials, Kyrgyzstan



5

Communications Enhancing Impact



Without a multifaceted communications strategy, the impact of the programme would have been significantly diminished. Communications interventions were applied at the legal and policy level as well as at the community level to achieve a range of outcomes, leading to the ultimate goal of shifting attitudes and behavior towards respect for women's rights and gender equality. In Tajikistan, the slogan 'Zan-Zamin-Zindagi' (Woman-Land-Life) was used to tag the entire range of communications-related activities, while 'Ayal Jer Ozogu' (Land in the Right Hands) was the slogan used in Kyrgyzstan.

Key Strategies:

Targeted advocacy with law and policy makers

Documenting compelling firsthand accounts of discrimination

Using formative research and baseline data to inform communications strategies

From the very start, communications components were deliberately plotted to complement, enhance, and even drive other interventions to strengthen their reach and effectiveness.

The integration of communications in programme development in this way is commonly referred to as communication for development (CfD). It requires the use of systematic, planned, and evidence-based communication interventions throughout the programme cycle to achieve positive and measurable behavioral and social change. CfD has at its heart two key concepts—an emphasis on 'participation', where people are considered the engine of their own development, and by fulfilling their potential, can be their own agents of change; and an emphasis on 'intentionality', where outcomes are not accidental or simply by-products or after-thoughts, but rather are shaped by conscious, purposeful actions that lead to measurable results. Since behavioral and social change generally cannot be expected to occur over night, CfD also implies the need for an investment in longer-term and sustained initiatives.

Another important consideration in taking a CfD approach is adaptability—this means that initiatives must possess a dynamic rather than static nature, where actions are regularly evaluated and adapted to suit changing contexts, and build or improve on initial results. Communications initiatives therefore must undergo periodic review, often even while they are still in progress, to see if their effectiveness can be enhanced. For example, political upheaval can often derail policy advocacy campaigns. Government staff turnover, change in political system procedures (such as declaration of a state of emergency,

or the dissolution of parliament) may require a midway reorientation of advocacy strategy. Gauging the efficacy of communications mediums offers another example. Information dissemination via TV or radio may prove to be only so effective, especially if rural communities in remote areas are found to have limited access to them. In this case, other mediums of transmitting information will need to be considered.

Communications Interventions in Kyrgyzstan and Tajikistan

Setting a baseline to measure change.

As mentioned in earlier chapters, extensive research and needs assessments were carried out in both countries to establish necessary baselines to inform programme development. The questions posed in the process, which helped to determine the shape of communications interventions included the following:

- What are rural people's general attitudes towards women and gender equality?
- What is the status of women in rural communities as a whole, in terms of how their abilities and roles are viewed by others and by women themselves?
- How much do rural communities understand about the land reform process, and to what extent do they believe that they have a right to participate in it?
- What do rural men and women know about women's human rights and specifically women's right to land, property, inheritance and economic resources?
- To what extent do rural people trust local administrative

and political governance structures to promote rural development and improve livelihoods?

- What mediums of communication will have the most effective reach and impact on different target groups?
- Who can be identified as 'key influencers' in rural communities? What role can women activists play in this respect?
- How will changes in people's perceptions and attitudes about women's land rights be measured?

The answers to such questions helped formulate communications activities that centered on a) conveying and reiterating key messages and concepts about women's right to land and gender equality as a whole; b) highlighting rights violations and gender discrimination, as well as good practices in empowering women to exercise their rights; and c) inspiring and motivating

people to participate more actively and fully in learning about their rights, and contributing to their community's development.

Communications Tools and Mediums

Hundreds of seminars, workshops, informational meetings, community consultations, and legal counseling sessions served as forums in which to engage with different stakeholders, communicate essential knowledge, and listen to feedback. These were supported by a wide range of communications tools employed in multiple ways, such as leaflets, flyers and brochures giving basic information about human rights and land rights; posters and illustrated booklets depicting women as farmers or in other income-generating roles (instead of as just traditional homemakers); and bulletins or newsletters to



"The preliminary work that the project staff held for us who should transfer right messages was very important, as we were equipped with proper knowledge at training, slogans, that can be easily understood by rural women and men, and handouts with the list of international standards and national norms guaranteeing gender equality- all these helped to keep information campaigns attractive for rural population..."

NGO representative , Tajikistan



provide updates on project activities. Resource materials also included training manuals designed for government and NGO staff working in the field of land and agriculture, a monitoring guidebook on gender-sensitive indicators and data collection, and specific training modules designed for use with different groups of stakeholders such as judges and courts of elders. Handbooks laid out in a question and answer format were also produced with practical information on the legalities of the reform process, ways to settle land disputes, and land registration procedures.

The media—TV, radio and print—was used extensively to convey key information and messages, highlight injustices and challenges facing women, and stimulate dialogue and thinking in rural communities about the reform process. Media activities, particularly in the form of on-air dialogue and feedback programmes, helped to raise awareness of target groups on their rights, and were also valuable in terms of substantiating advocacy for greater political will and strong commitment to respect and protect women's rights.

The creative arts also proved a useful medium to communicate with different target audiences. Mobile theatre and community art projects (such as group textile quilting) were used successfully to reach hundreds of villagers. The added benefit of hands-on community involvement in producing the shows and art pieces helped to challenge existing cultural beliefs and stereotypes.

Deepening understanding about women's right to land amongst key stakeholders

The knowledge of local government officials and members of the judicial system about women's access to land was expanded mainly through training and monitoring activities. This increased their sensitivity to gender concerns in policy-making, and raised their awareness about how the legal system could discriminate against women, and why it was important to uphold and protect women's rights. The obligations and commitments of the government, both in the international and national context, were used to discuss gender equality goals. The level of engagement of policy makers increased as a result of the presentation of human interest stories on the harmful effects of land reform on women through transcribed testimonials or as described by rural women themselves at community meetings and public consultations.

The knowledge of NGOs and rural women's groups was also enhanced in a similar way, through training workshops, and through hands-on public advocacy campaigns to urge for legal reform. Through these campaigns, gender advocates were expected to use their knowledge to communicate effectively with government decision-makers to urge for changes in laws and policies affecting women. Beyond being well-versed in the workings of the legal framework of their countries, the advocacy campaigns also required that they be able to apply a rights-based approach to promoting women's economic security in the land reform process, be able to reference key international commitments (such as CEDAW and the MDGs), and be able to consistently articulate and translate human rights concepts into the national context in order to validate advocacy demands.

In both Kyrgyzstan and Tajikistan, the mainstream media was identified as an important stakeholder in terms of its role in promoting women's rights and gender equality. UN Women established relationships with

Key Resource Materials Used in Training and Informational Workshops

- Women's Rights in the Course of Land Reform in Tajikistan: A guide designed for government employees and NGOs working in the field of land reform and agriculture.
- Women's Right to Land: Questions and Answers: A handbook offering practical information about land laws, settling land disputes and the procedures for registering, owning and managing land. Content was developed based on the interactions of project staff with thousands of villagers through direct legal counseling, mobile legal consultations, radio call-in shows, and the rubric in newspapers. This publication was produced in both Tajikistan and Kyrgyzstan.
- Using Human Rights Treaties (Tajikistan): A brochure designed to inform staff of national, provincial and local government agencies about the international treaties signed by Tajikistan, and the ensuing obligations and commitments made.
- Monitoring Manual (Tajikistan): A training tool produced for provincial and local government staff on gender-sensitive monitoring techniques, useful statistical indicators and sex-disaggregated data collection and reporting guidelines.

journalists, editors and media producers to encourage them to take an interest in and report on women and land rights. Training workshops were held for media in Tajikistan while in Kyrgyzstan, several media trips were organized (to the southern part of Kyrgyzstan) for reporters to meet with project beneficiaries and hear their experiences—this led to a total number of 147 articles covering different aspects of the project's theme including discrimination ways in relation to rural women, women human rights within land management process in national newspapers.



Project staff also engaged in constant media outreach, pitching stories and ideas to different media outlets, inviting reporters to attend project events, and facilitating interviews with rural women and gender and land experts. This led significantly to not only a high amount of media coverage, but also coverage that occurred consistently over an extended period of time. As an example, last year 10 radio consultations in the rubric “Land” were aired on the National radio channel and four news programmes were broadcast on TV channel KTR in Kyrgyz and Russian languages on the orientation training “Partnership between communities and local governments on joint gender responsive local development planning”, which demonstrated high level of sustainability of project results.

Informing rural communities about their right to land

Ensuring that rural men and women were aware of their right to own, inherit, utilize and transfer land was a crucial communications focus, in response to research findings that revealed that knowledge by rural populations, and especially rural women, about the land reform process was extremely limited.

Information about their rights and how to claim them was made available in free legal consultations held in project offices and via field visits, including to remote areas. In many cases, project lawyers helped women to take their cases to court to settle disputes and seek redress for violations. Beyond legal advice, information was often also provided on other related matters such as taxation, social insurance, and access to credit and economic resources.

Thousands of leaflets and brochures describing basic land rights, and offering advice on ownership and farm set up procedures were distributed to rural communities. Legal advice in Kyrgyzstan was also disseminated through a series of 40 newspaper columns called *Ayal, Zher, Ukuk* (Woman, Land, Rights), which were syndicated in seven provincial and national newspapers.

Project lawyers in Kyrgyzstan also used radio to provide on-air legal advice in response to listeners' questions or comments. These radio programmes called *Zher Zhana Adam* (Land and People) were broadcast by national and provincial stations, and also provided information about project activities such as upcoming seminars and workshops.

A similar national radio programme was broadcast in Tajikistan, where experts from the State Land Committee, UN Women or the Ministry of Justice would first discuss a thematic issue and then take questions on the issue from listeners.

NGO partners in Tajikistan carried out more than 100 awareness seminars in seven former or current *kolkhozes*, just prior to official restructuring meetings—these seminars were designed to arm members with the information they needed to ask the right questions and better be able to understand farm reorganization procedures, the means of obtaining land shares and certification, and the ways in which to set up *dekhan* farms.

In Tajikistan 50 mobile puppet shows were jointly organized by UN Women and FAO in seven districts to raise the awareness of members of former collective farms

about their right to land shares and to form individual, family or collective *dekhan* farms. The scripts and acting were done by Tajik writers and actors, and used familiar cultural references and contexts to hold public interest. The puppet show included 4 main topics related to the access to land, women's rights to it, information on how to receive Land Certificate, etc. thus responding to the need in information on restructuring process. Close to 2,300 farmers (both men and women) attended the puppet performances. The farmers welcomed the shows as a mixture of seriousness and traditional humour making the messages to be attractive and memorable.



"...The contest held assisted the majority of journalists to learn more about women's rights to land and better use in practice the information received during 2 day training conducted by the project for mass media representatives. Our magazine was established by the President of our country. Publications reflecting rural women's life and situation in dekhkan farms led by women will attract the attention of both government officials and those living in different districts and certainly will lead to improvement of the existing situation. From our side I would like to say that we will open a special rubric in the magazine using the UN Women slogan which is "Zan-Zamin-Zindagi" – H.Alizoda, chief editor of "Bonuvon" ("Women") magazine, Tajikistan

Raising public awareness about women's land rights – challenging stereotypes

As a parallel and complementary step to educating rural men and women about their land rights, communications activities also aimed to raise the awareness of the general public about the impact of the land reform process on men and women as a whole, and highlight the situation of women in particular. Key messages emphasized the human rights of women, and the need to change attitudes and behavior that perpetuate gender stereotypes which can fuel discrimination against women. Stories called attention to unfair treatment of women, and the special vulnerability of divorced and abandoned women, widows, single mothers and women with many children, all of whom were at risk of heightened poverty and socio-economic insecurity. Media outreach also included encouraging regular coverage of project events and activities to garner public interest and participation. Widely distributed posters and illustrated materials helped to visually portray women in different roles than just mothers and homemakers. Projecting positive images of women engaging in farming or agricultural work helped to challenge sexist assumptions about women's role in society which could be proved by the following indicators: increase in number of dekhkan farms led by women; women ready to take responsibility for managing farms as main owners; twofold growth of women addressed DTFs (the 1st quarter of 2010 – 629 women; the 2nd quarter – 1217 women). Besides it's worth to be mentioned that before UN Women intervention women – heads of farms were not invited for participation in discussion on crucial management decisions at local authorities.

A video spot, produced in Russian and Kyrgyz describing the main barriers thwarting the legal enforcement of women's legal rights to land was broadcast 93 times on the national TV station in Kyrgyzstan, and more than 400 times on provincial channels. Over 200 newspaper articles (both national and provincial) exposed the discrimination faced by rural women in owning, accessing and transferring land. They included one-on-one interviews with land experts, gender advocates and women with compelling stories to tell, as well as first-hand accounts by men and women who had secured land with the help of project staff. TV and radio programmes broadcast nationally and provincially also featured similar content, as well as information on activities organized

by the project (such as the Small Grants Fund for example, mentioned in Chapter 4).

In addition, a nationwide broadcast media competition was held to generate press interest in reporting on issues about women and land. The contest resulted in a series of diverse programmes being produced by ten publicly-owned TV and radio broadcasters.

The activity on raising awareness is still under the way. A broad awareness campaign on WHRs to land was continued by national partners with support from UN Women. The on-going informational campaign is an extremely important factor in bringing about gradual changes in societal perceptions of gender roles. The campaign in 2009 was focused on promoting the property and inheritance rights of women, through information sheets, radio and TV programs, with topics such as property and inheritance rights and opportunities for women to participate in bids for land from the Agricultural

Lands Redistribution Fund. Twelve new Information sheets on women's property and inheritance rights were prepared and disseminated (2,500 copies were distributed during workshops and over 15,000 copies during field trips). Twenty four dedicated legal consultations and interviews on the subject of WHRs to land, property and inheritance rights were broadcast on local TV channels. The Web-portal on WHRs to Land was functional throughout the year and was assessed by the partners as a useful source of legal information on the land reform for the general population. The information on the website provides updated news on legislation and normative acts important for protecting women's rights to land. The legal section of the website includes 12 new information sheets on property and inheritance rights; information on international Conventions important for protecting WHRs and CEDAW Concluding Comments, and government decrees and normative acts on land management.



"...Joint with UN Women activities assisted us in better understanding of land legislation and its implications on the life of the poor and finding the options to improve the situation..."

(Land Agency representative
Tajikistan)

In Tajikistan, regular news stories and updates on project activities appeared in national and local newspapers, radio and TV programmes. A weekly half-hour national radio segment called Farmer to Farmer for example, discussed practical issues around land reform and the concept of gender equality in accessing land. A series of mini-documentaries for television was co-produced by the project and the national Women's Committee featuring true life stories of individual women's efforts to gain access to land. A nation-wide contest for journalists and university students was held for the best article, TV or radio programme on the topic 'Women's right to land – problems and solutions'.

Ensuring two-way communication flow

Much of the content of resource materials was derived from questions, feedback and comments made by rural men and women during their interactions with project staff. The ongoing collection and analysis of this information ensured that communication was constantly moving in a two-way direction. Information was not only going to people, but also being received from them. A "Citizens' feedback mechanism" developed within the project assisted in revealing sufficient challenges for the system of local governments, having direct implications on the effectiveness of land reform and on the quality of services provided to rural women.

This two-way flow was valuable in terms of helping to shape the production of communications tools (such as posters and informational brochures) as well as advocacy activities (such as media interviews, topics for radio and TV discussions, and public awareness workshops), and capacity development actions.

Furthermore, as mentioned in earlier chapters, stories, feedback and case evidence were instrumental in demonstrating to government officials what was happening in real life to rural men and women seeking access to land. They helped to show where the legal, administrative and procedural gaps were within the land process, and the challenges faced by women especially in getting equal access and treatment. This 'trickling up' of communication from the grassroots level matched the concurrent 'trickling down' of communication from the legal and policy level in terms of educating people about the changes in laws and regulations and how this could improve their lives.

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