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Organization of the
United Nations



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Zusammenarbeit (GIZ) GmbH



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

PARTNERSHIPS FOR GENDER EQUALITY
IN LAND OWNERSHIP AND CONTROL

Third Edition
2022

5.a.2
INDICATOR

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

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

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

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



WHO IS IN CHARGE OF TRACKING THE SDG INDICATORS?

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

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

For land related indicators metadata, visit:

<https://unstats.un.org/sdgs/metadata/files/Metadata-05-0A-01.pdf>

<https://unstats.un.org/sdgs/metadata/files/Metadata-05-0A-02.pdf>

<https://unstats.un.org/sdgs/metadata/files/Metadata-01-04-02.pdf>

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





PARTNERSHIPS FOR GENDER EQUALITY IN LAND OWNERSHIP AND CONTROL



TARGET 5.a

Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.

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

INDICATOR 5.a.1

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

INDICATOR 5.a.2

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

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

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

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

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

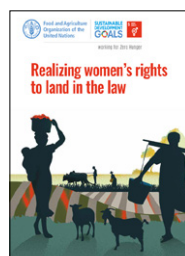
WHAT **TOOLS** DO WE HAVE ON GENDER-EQUITABLE LAND TENURE?



[The 2030 agenda for sustainable development](#)



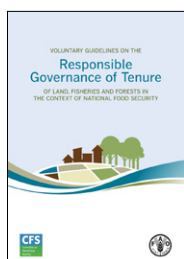
[FAO and the SDGs: Measuring up to the 2030 Agenda for Sustainable Development](#)



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



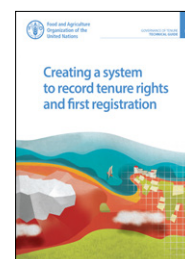
[The legal assessment tool](#)



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



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



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



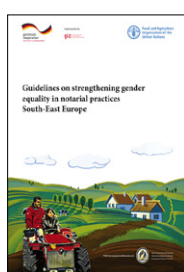
[Responsible governance of tenure and the law: A guide for lawyers and other legal service providers](#)



[Improving ways to record tenure rights](#)



[Responsible governance of tenure and preventive justice: A guide for notaries and other practitioners in the administration of justice providers](#)

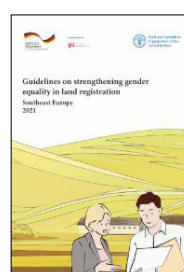


[Guidelines on strengthening gender equality in notarial practices South-East Europe](#)

These guidelines have been adapted nationally and are available in local languages:

[Albania](#)
[Bosnia and Herzegovina](#)
[North Macedonia](#)

[Montenegro](#)
[Serbia](#)
[Kosovo*](#)



[Guidelines on Strengthening Gender Equality in Land Registration Southeast Europe](#)

The guidelines are available in local languages:

[Albania](#)
[Bosnia and Herzegovina](#)
[North Macedonia](#)

[Montenegro](#)
[Serbia](#)
[Kosovo*](#)

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

Land registration has an important part to play in strengthening gender equality in land ownership and control. The guidelines highlight key considerations for land administration and registration offices.

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



PARTNERSHIPS FOR GENDER EQUALITY IN LAND OWNERSHIP AND CONTROL

JOINT GIZ, FAO AND UINL ONLINE CONFERENCE

Joint GIZ, FAO and UINL online Conference on “Gender equality in land ownership and control in the Western Balkans: Looking back, looking ahead”.

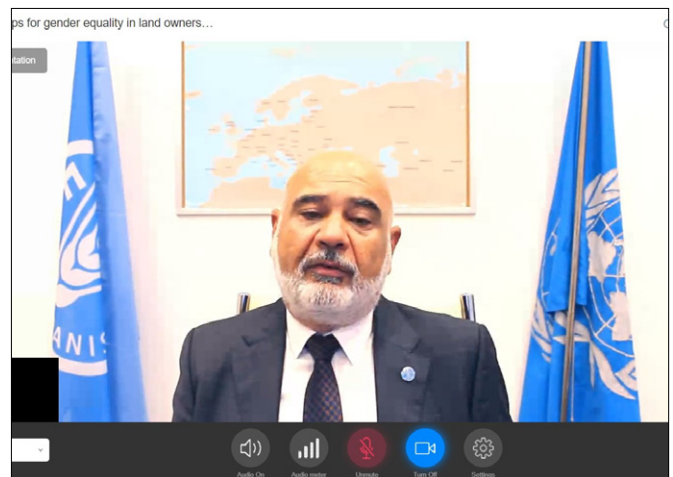
This event offered a new understanding of how regional cooperation among national actors and development partners can support the achievement of the SDG targets. It enabled the exchange of knowledge, experiences and good practices to strengthen women’s ownership and control of land; and the lessons learned will continue to inform the development of new partnerships on gender equality in land tenure in other regions.

More information available at:

<https://www.fao.org/europe/events/detail-events/en/c/1445683/>
and <https://www.fao.org/3/cb7536en/cb7536en.pdf>



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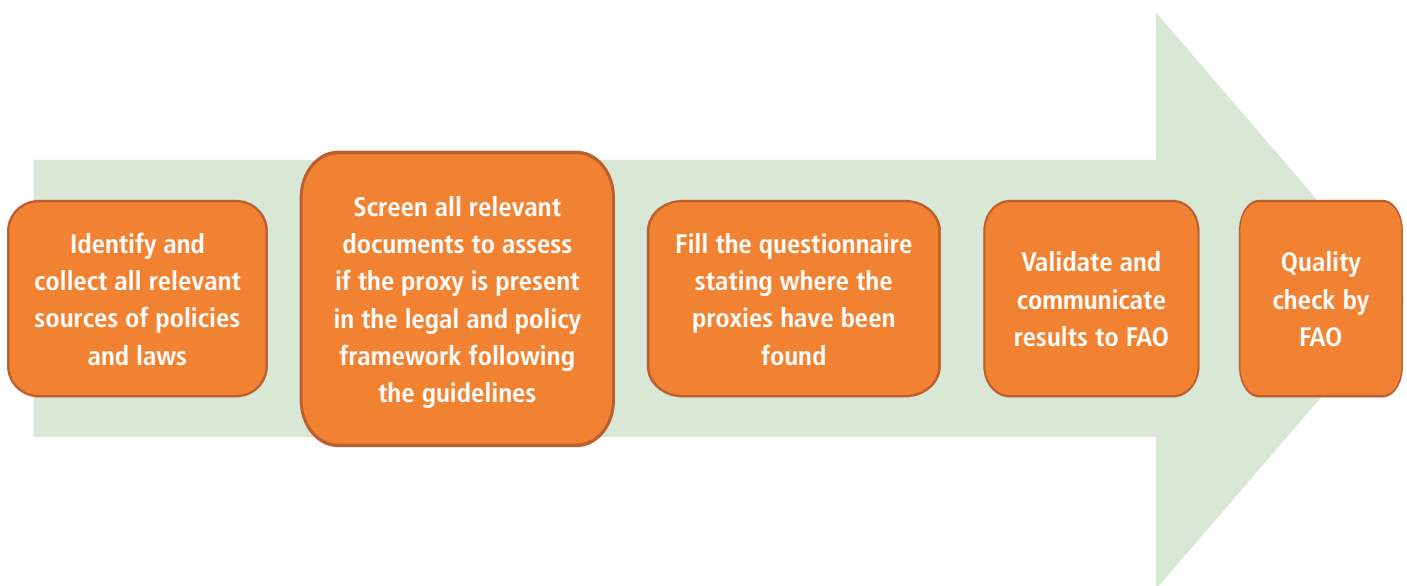
COMING SOON

- The FAO Regional Office for Europe and Central Asia will continue to promote and disseminate these tools, good practices and initiatives in the region and beyond. The lessons learnt from the Western Balkans Regional Initiative can be replicated and scaled up in other parts of Europe and Central Asia.
- New FAO initiatives on rural women’s economic empowerment in Albania and Bosnia and Herzegovina.

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

SDG INDICATOR 5.a.2 REPORTING PROCESS AND METHODOLOGY

REPORTING PROCESS



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

THE SIX PROXIES COVER:

PROXY A

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

PROXY C

Equal inheritance rights for women and girls.

PROXY E

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

PROXY B

Spousal consent for land transactions.

PROXY D

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

PROXY F

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

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



PARTNERSHIPS FOR GENDER EQUALITY IN LAND OWNERSHIP AND CONTROL



PARTNERSHIPS AND RESULTS

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

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

On Objective 1, the results of the legal assessments carried out in the years 2015 and 2016 have been updated in early 2020 to support the next round of SDG reporting. These assessments were carried out using FAO's Legal Assessment Tool (LAT) for gender-equitable land tenure which is specifically designed to implement the principle of gender equality in the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of national food security (VGGT) and to facilitate country reporting under SDG Indicator 5.a.2. The VGGT were adopted in 2012 by the Committee on World Food Security (CFS), giving legitimacy and authority to its policy recommendations. Applying the LAT has helped to identify some of the legal and technical impediments to women's access to land ownership, and has highlighted some of the challenges for implementation.

On Objective 2, FAO and GIZ have partnered with UINL to identify the capacity needs of notaries and registration offices in the region and to help bridge the implementation gap identified under Objective 1. This collaboration has led to the publication of the regional "Guidelines on strengthening gender equality in notarial practices South-East Europe". These guidelines have been adapted locally to tailor them to the national legal frameworks and specificities of each country. This collaboration has also led to the delivery of national training under the leadership of the national chambers of notaries, to facilitate the uptake of the guidelines nationwide.

The endorsement of this initiative by the UN Department of Economic and Social Affairs (UN DESA) demonstrates that the results of this initiative can be scaled up and adapted to other regions to achieve SDG indicator 5.a.2.

WESTERN BALKANS REGIONAL INITIATIVE:

SELECTED AS AN SDG GOOD PRACTICE IN 2021

<https://sdgs.un.org/partnerships/partnerships-gender-equality-land-ownership-and-control-good-practices-western-balkans>

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

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

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

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

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

COUNTRY LEVEL

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

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

REGIONAL LEVEL

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

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





PARTNERSHIPS FOR GENDER EQUALITY IN LAND OWNERSHIP AND CONTROL

IN SUPPORT OF THE 2030 AGENDA

SDG indicator 5.a.2

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

STORIES FROM THE NOTARIES

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

LOOKING FORWARD

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



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

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

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



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

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

RESULTS OF SDG PROXIES USING LAT INDICATORS IN THE WESTERN BALKANS

In January 2020, the LAT results were updated from the initial results in 2015 to align them with the official methodology used for SDG reporting under Indicator 5.a.2. Countries have found applying the LAT very useful in facilitating the reporting under SDG Indicator 5.a.2.

LAT INDICATORS/SDG PROXIES		ALBA-NIA	BOSNIA AND HERZEGO-VINA	SERBIA	NORTH MACEDONIA	MONTE-NEGRO	KO-SOVO*	THE LAT METHODOLOGY
18(a)	Joint registration of land is compulsory or encouraged for married couples	3	0	2	2	2	3	0 Absence of proxy
18(b)	Joint registration of land is compulsory or encouraged for unmarried couples	0	0	2	2	2	2	0.5 A policy is being developed that incorporates the proxy
17(a)	Spousal consent is required for land transactions	2	0	2	2	2	3	1.5 A policy is in place, incorporating the proxy
17(b)	Partner consent is required for land transactions	0	0	2	2	2	3	1 A policy is in place, incorporating the indicator
20(a)	Equal right of male and female surviving spouses or partner to a share of the deceased estate	2	2	2	2	2	2	1.5 Draft legislation (bill or otherwise) contains the indicator
21(a)	Equal right of male and female surviving spouses to a lifetime user right to the family home	0	0	0	0	0	2	2 The proxy appears in primary law
22(a)	Equal right to inherit for sons and daughters	2	2	2	2	2	2	3 The proxy appears in secondary legislation
22(b)	A right of sons and daughters to inherit equal shares	2	2	2	2	2	2	NA The proxy is not applicable
9	Financial resources are allocated to increase women's ownership and control over land	1	1	0	0	0	0	
10	Quotas are established for women's participation in land management and administration institutions	2	2	2	0	0	0	

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



PARTNERSHIPS FOR GENDER EQUALITY IN LAND OWNERSHIP AND CONTROL

SUMMARY OF RESULTS FROM THE SDG 5.a.2 REPORTING QUESTIONNAIRES

SERBIA (2020)

PROXY A	Joint registration	Present
PROXY B	Spousal consent	Present
PROXY C	Inheritance	Present
PROXY D	Allocation of funds	Not Present
PROXY E	Customary systems of land tenure	NA
PROXY F	Quotas in land administration	Present
High levels of guarantees of gender equality in land ownership and/or control		4 Proxies Present

BOSNIA AND HERZEGOVINA (2020)

PROXY A	Joint registration	Not Present
PROXY B	Spousal consent	Not Present
PROXY C	Inheritance	Present
PROXY D	Allocation of funds	Not Present
PROXY E	Customary systems of land tenure	NA
PROXY F	Quotas in land administration	Not Present
Low levels of guarantees of gender equality in land ownership and/or control		2 Proxies Present

NORTH MACEDONIA (2020)

PROXY A	Joint registration	Present
PROXY B	Spousal consent	Present
PROXY C	Inheritance	Present
PROXY D	Allocation of funds	Not Present
PROXY E	Customary systems of land tenure	NA
PROXY F	Quotas in land administration	Not Present
Medium levels of guarantees of gender equality in land ownership and/or control		3 Proxies Present

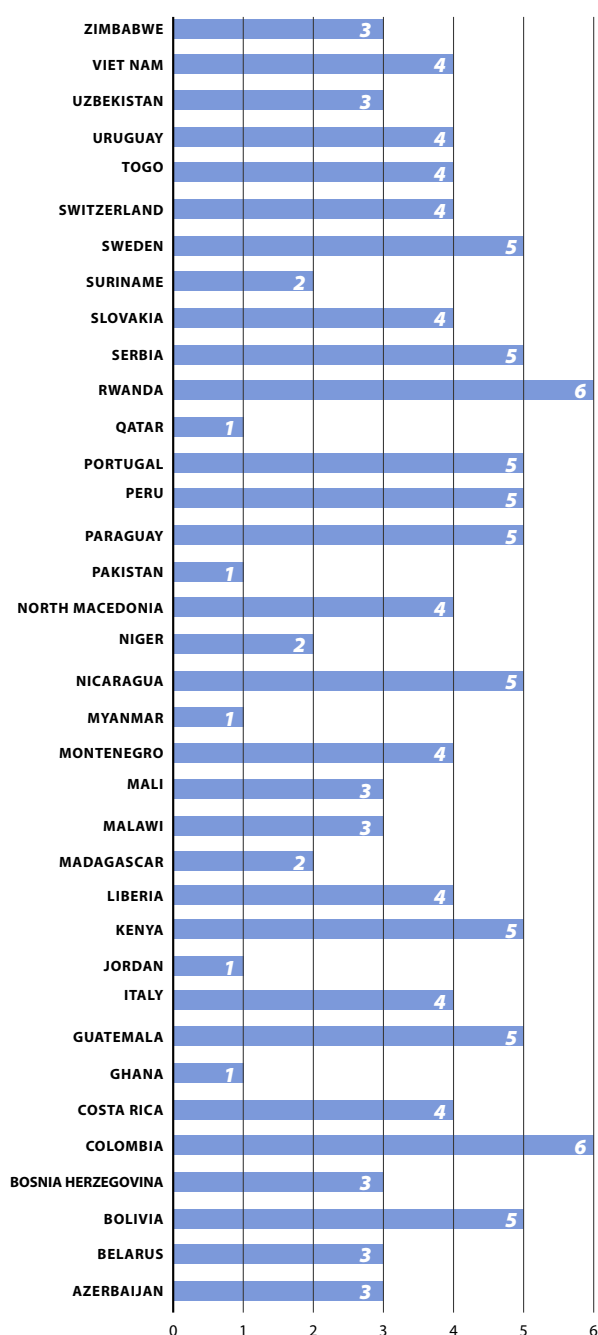
MONTENEGRO (2020)

PROXY A	Joint registration	Present
PROXY B	Spousal consent	Present
PROXY C	Inheritance	Present
PROXY D	Allocation of funds	Not Present
PROXY E	Customary systems of land tenure	NA
PROXY F	Quotas in land administration	Not Present
Medium levels of guarantees of gender equality in land ownership and/or control		3 Proxies Present

GLOBAL RESULTS OF SDG REPORTING

2019/2020

Degree to which the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control [1=lowest; 6=highest]



Source: FAO. 2021. SDG Indicators Portal

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

GENERAL RECOMMENDATIONS

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



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



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



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



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



National Chambers of Notaries should continue to support the dissemination and application of the national adaptation of the “Regional guidelines on strengthening gender equality in notarial practices” to clarify the obligations of notaries in relation to gender equality and harmonize practices across all notarial offices.





PARTNERSHIPS FOR GENDER EQUALITY IN LAND OWNERSHIP AND CONTROL

GOOD PRACTICES FROM THE WESTERN BALKANS

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

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

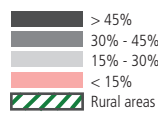
ACHIEVING SDG INDICATOR 5.a.2 IN THE WESTERN BALKANS AND BEYOND

THE IMPACT IN NUMBERS 2013 vs 2019

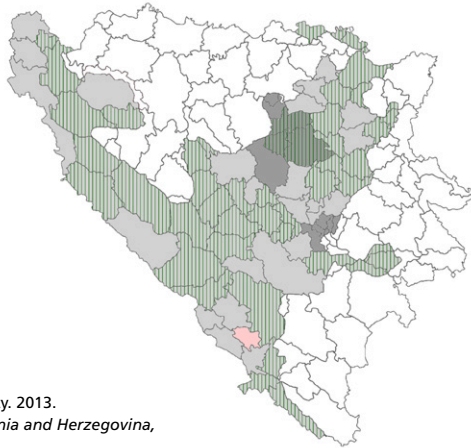
BOSNIA AND HERZEGOVINA, FEDERATION OF BOSNIA AND HERZEGOVINA, 2013

26.84% of records with women as owners or co-owners

- 37.81% Sarajevo Capital (Highest)
- 20.17% Buzim Municipality (lowest)



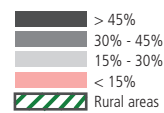
Federal Geodetic Authority. 2013.
Map of Federation of Bosnia and Herzegovina, Bosnia and Herzegovina



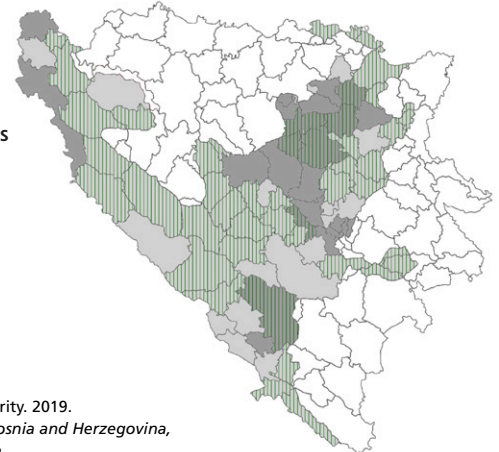
BOSNIA AND HERZEGOVINA, FEDERATION OF BOSNIA AND HERZEGOVINA, 2019

38.33% of records with women as owners or co-owners

- 42.84% Sarajevo Capital (Highest)
- 20.23% Buzim Municipality (lowest)



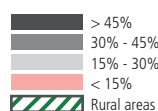
Federal Geodetic Authority. 2019.
Map of Federation of Bosnia and Herzegovina, Bosnia and Herzegovina



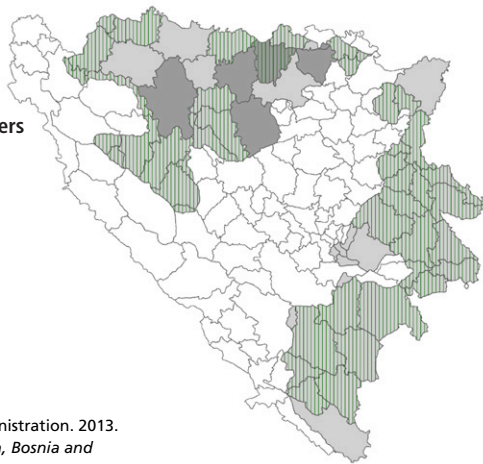
BOSNIA AND HERZEGOVINA, REPUBLIKA SRPSKA, 2013

29.97% of records with women as owners or co-owners

- 33.20% Banja Luka Capital (highest)
- 19.46% Sokolac Municipality (lowest)



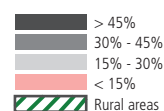
Republic Geodetic Administration. 2013.
Map of Republika Srpska, Bosnia and Herzegovina



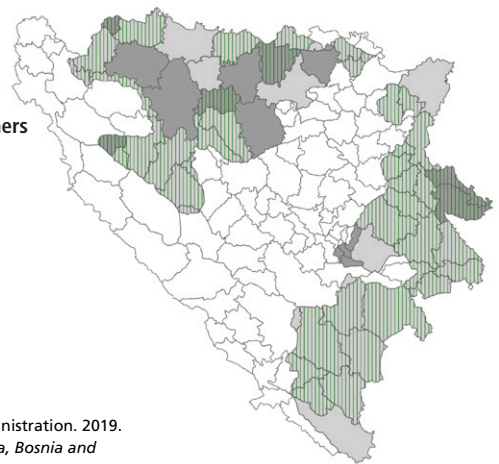
BOSNIA AND HERZEGOVINA, REPUBLIKA SRPSKA, 2019

33.83% of records with women as owners or co-owners

- 34.58% Banja Luka Capital (highest)
- 22.23% Trnovo Municipality (lowest)



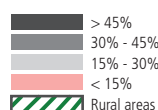
Republic Geodetic Administration. 2019.
Map of Republika Srpska, Bosnia and Herzegovina



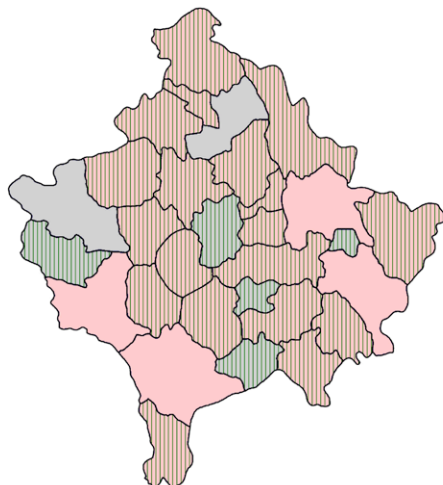
KOSOVO*, 2013

17.04% of records with women as owners or co-owners

- 17.24% Pristina Capital (highest)
- 8% Glogoc Municipality (lowest)



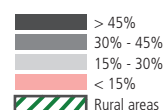
Kosovo Cadastre Agency. 2013.
Map of Kosovo



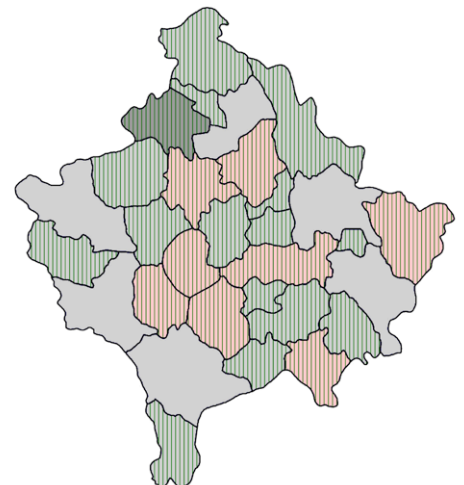
KOSOVO*, 2019

17.86% of records with women as owners or co-owners

- 18.47% Pristina Capital (highest)
- 9.2% Malisheve Municipality (lowest)



Kosovo Cadastre Agency. 2019.
Map of Kosovo



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



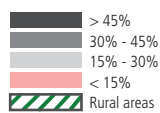
PARTNERSHIPS FOR GENDER EQUALITY IN LAND OWNERSHIP AND CONTROL

THE IMPACT IN NUMBERS 2013 vs 2019

MONTENEGRO, 2013

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

- 31% Podgorica Capital (highest)
- 15% Rozaje Municipality (lowest)



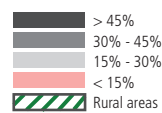
Cadastre and State Property Administration. 2013.
Map of Montenegro



MONTENEGRO, 2019

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

- 37% Southern region (highest)
- 24% Northern region (lowest)



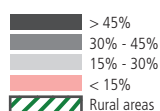
Cadastre and State Property Administration. 2019.
Map of Montenegro



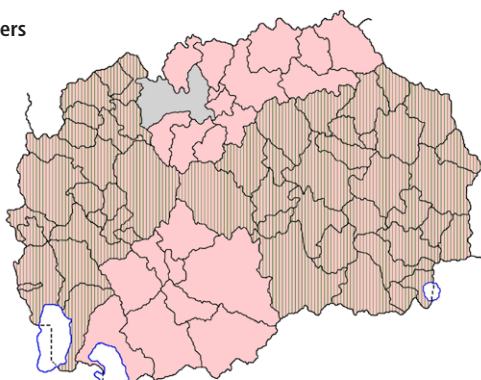
NORTH MACEDONIA, 2013

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

- 18% Skopje Capital (highest)
- 7% Poloska Municipality (lowest)



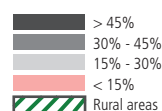
Agency for Real Estate Cadastre. 2013.
Map of North Macedonia



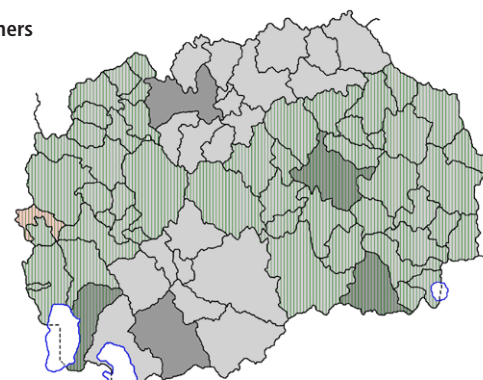
NORTH MACEDONIA, 2019

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

- 34.01% Skopje Capital (highest)
- 13.96% Poloska Municipality (lowest)



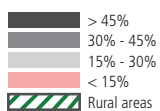
Agency for Real Estate Cadastre. 2019.
Map of North Macedonia



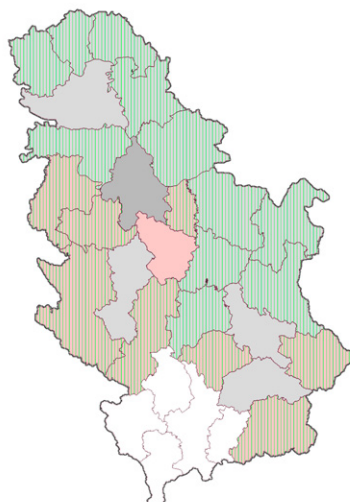
SERBIA, 2013

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

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



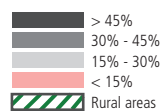
Republic Geodetic Authority of Serbia. 2013.
Map of Republic of Serbia



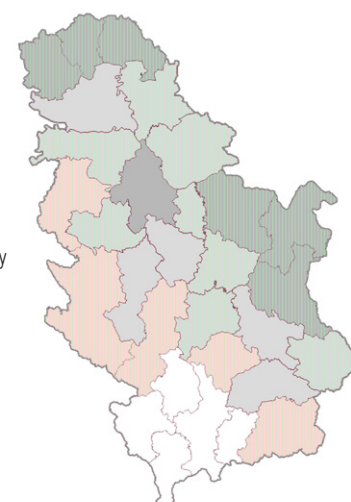
SERBIA, 2019

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

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



Republic Geodetic Authority of Serbia. 2019.
Map of Republic of Serbia



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

STRENGTHENING GENDER EQUALITY IN NOTARIAL PRACTICES

COMMON CONCERNS

- There remains a stark contrast between urban and rural areas, with clients in urban areas who are far more aware of their rights and obligations, and of the legal consequences of their decisions than clients in rural areas.
- The absence of legal provisions to organize the registration of consensual unions, the registration of their property rights and the transfer of property makes it difficult for notaries to identify and protect the property rights of partners.
- The digitization of documents is needed to allow access in real time.
- The guidelines should be made part of the curriculum of trainee notaries.
- The Chambers have an important role to play in harmonizing practices by:
 - clarifying some key points regarding the application of the law;
 - organizing trainings on gender equality; and
 - relaying information to the Ministry of Justice and providing evidence of legal gaps and inconsistencies.

Key issues	Recommendations
Chamber of Notary: NORTH MACEDONIA	
<p>Consensual unions: They are recognized, but there is no legal requirement to register them, which creates difficulties for notaries in checking the existence of such unions.</p>	<ul style="list-style-type: none"> ■ Electronic connection of notaries public with the Office for Management of Registers and the Ministry of Interior.
Chamber of Notary: MONTENEGRO	
<p>Consensual unions: The law extends the property rights of married couples to couples living in consensual unions but there is no legal provision organizing the registration of these unions or the transfer of property rights.</p>	<ul style="list-style-type: none"> ■ Amend the law on the registration of state cadastre to clarify the procedure for the registration of property rights within consensual unions. ■ Create a registry for consensual unions.
Chamber of Notary: KOSOVO*	
<p>Consensual unions: They are recognized but the legal framework does not organize the registration of consensual unions and the transfer of property rights.</p> <p>Access to online documents: Notaries do not have access to civil registry nor to cadastral records.</p>	<ul style="list-style-type: none"> ■ Clarify the status of consensual unions in the legal framework to facilitate the recording and identification of the rights and obligations derived from these unions ■ Create a registry of consensual unions that is jointly owned by spouses and partners.

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



PARTNERSHIPS FOR GENDER EQUALITY IN LAND OWNERSHIP AND CONTROL

STRENGTHENING GENDER EQUALITY IN NOTARIAL PRACTICES

Key issues

Recommendations

Chamber of Notary: ALBANIA

Transactions and inheritance proceedings over agricultural land:

The distribution of land in 1991 was made under the name of the head of the household and it referred to the number of family members that were on his family certificate in August 1991. The property certificate is registered only under the name of the head of the household, specifying the type of co-ownership (agriculture family).

However, this information has not been updated since then. Notaries need to check the 1991 family certificate to see the members of the agriculture family and also the present-day family certificate and check if new members have been added to the agriculture family. In addition, people within an agricultural family unit continue to have rights over the land even if they marry outside of the unit, but their rights to the land don't always get checked by notaries when the land is transferred.

- Align Albania's legal framework with the requirements of the European Certificate of Succession, created by European Succession Regulation 650/2012 (which came into force in 2016). Organize joint trainings between notaries and cadastral offices.
- Set up a technical working group made up of the Notary chamber, academics and practitioners to identify solutions to practical problems and engage in advocacy.

Chamber of Notary: BOSNIA AND HERZEGOVINA

Traditional practices:

They remain prevalent in rural areas. Notaries have a duty to advise the parties as to their rights and the legal consequences of their decision, even when clients have already made decisions prior to entering notary offices.

Spousal consent to land transactions:

The consent of the spouse to a transaction involving matrimonial property isn't a legal requirement in Bosnia and Herzegovina.

- The guidelines on strengthening gender equality in notarial practices could be used as guidance by the disciplinary committee of the Chamber of Notaries in disciplinary cases, to establish whether a notary has exercised due diligence in relation to gender equality.
- The guidelines could be included as part of the training curriculum of trainee notaries.
- Legal reform is needed to ensure that spousal consent is required prior to the transfer of a property.
- Amend the law to ensure the joint registration of property that is jointly owned by spouses and partners.

Chamber of Notary: SERBIA

Consensual unions:

They are recognized, but there is no legal requirement to register them, which creates difficulties for notaries in checking the existence of such unions.

Implementation of the new law on mandatory joint registration:

Neither the law nor the bylaws regulate the tax treatment of the joint property of the spouses.

- Some universities are planning to introduce modules on gender equality and vulnerable groups. This should be extended across the country.
- Strengthen the cooperation with registration offices.
- It is necessary to amend the tax laws which regulate the tax treatment of the joint property of the spouses and which refer to the property tax, the tax on the transfer of absolute rights and the VAT refund.
- Strengthen the legal framework for consensual unions by issuing an instruction to record these unions. Create a registry of consensual unions.

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

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

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

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

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

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

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

3. Presentation of the results and validation

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



Azeri workshop



PARTNERSHIPS FOR GENDER EQUALITY IN LAND OWNERSHIP AND CONTROL

LAT RESULTS

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

THE LAT METHODOLOGY

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



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

PARTNERSHIPS FOR GENDER EQUALITY IN LAND OWNERSHIP AND CONTROL

Third Edition
2022

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