

**GENDER EVALUATION CRITERIA FINDINGS
PRESENTED AT THE GLOBAL LAND NETWORK
TRAINING WORKSHOP
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The main resource that is available to the majority of Ugandans that propels development is land. This means that for development to be achieved, both men and women need to work together in utilization of this resource .

Uganda is a party to several international and regional Human rights Instruments which promote equality and the National Constitution reinforces these provisions and prohibits cultures that undermine these provisions. However, this is not reflected in the national land administration processes.

Background

ULA has since inception in 1995 been championing the cause of the poor in defending and promoting their land rights

Since its inception, ULA realised that encounter barriers in achieving improvement and development of their personal lives, at family and even at the community level which has an impact in achieving national development. This is due to several factors including social cultural issues, patriarchy, tenure systems, land administration processes and many others.

- Women continue to be victims of landlessness, evictions, tenure insecurity and poverty. ULA set out to evaluate the land administration and dispute resolution processes and how they impact on both men and women in Uganda applying the Gender Evaluation Criteria.

Gender Evaluation on Land Administration and Dispute Resolution

In September 2011, the process of this evaluation begun with many pre- evaluation activities having been done , including a training like this one. At the beginning of this year, data collection process was done in ten districts to assess how the country is performing in achieving tangible benefits for women on land, specifically focusing on land administration and dispute resolution.

This evaluation was done using the Gender Evaluation Criteria .

Sex & age of the Respondents

- The majority of the respondents in this study were men constituting two thirds (69%) of the total with only one third being women representing a percentage of about 30%.
- The majority of the respondents were in the age group 31-40 years who represented 30% of the total followed by age group 41-50 years constituting 26%.

- The evaluation was done in ten districts of Gulu, Apac, Pader, Mbale, Mukono, Kampala, Luwero, Kibaale, Ntungamo and Rukungiri.
- The total number of successful interviews was 447 out of the planned 600 which reflects 74.5% achievement.

Designation & Period of Service of the Respondent

- Most of the people interviewed were either Community development workers 34% or Local council officials 27% and area /sub county/district land committee, magistrates, parish chiefs who are the recorders, community development officers
- It was also important to know the length or period of service that the respondents had served in the areas that they worked to determine their experience and level of grasp of the matters relating to land. The majority about 40% had served between 1-5 years followed by those who had served between 6-10 years constituting about 22%.

Education Level of the respondents

- Respondents were also asked to state their education background or the level of education. The results show that the majority 36% of the respondent's at least had an ordinary level of education. A significant number about 17% had primary or lower education level with the rest having A level and higher education levels.

Findings by Criteria Criteria 1

Equal participation between men and women in land governance

Under this criteria we looked at different variables:

Political will and Legal Framework

- Where as Political will was rated as a crucial aspect in land administration and dispute resolution processes in all districts with an exception one (Apac) with 44.3%, other districts rate it as most crucial from at least 50% and above with Mbale and Luwero as the highest with 83% and 95% respectively.

Understanding the Importance of the Concept of Gender and Equality and its importance

- The respondents rated the importance of gender and equality in land administration and dispute resolution processes as a very crucial component in achieving economic development.
- The results show that land and gender equality are highly rated across all the survey districts by men and women with more than 50% saying it is most crucial for achieving development .

- It was established that although the government has committed itself and ratified different Human rights instruments as well as domesticating them in the national constitution and other national laws, these rights have a limited reach and are influenced by customary and cultural practices that in some cases supersede the non discrimination provisions

The findings further indicate that;

- The land sector remains dominated by men at all levels, many people still regard land as a "man's issue" notwithstanding the legislative changes that have introduced minimum quotas for women's representation on various land sector decision making bodies in order to guarantee women's interests.

- The levels of participation of women and men in the land management processes have predominantly remained low, compounded by the national affirmative stipulations of a third (1/3) representation not actual participation. In all the districts where the evaluation was done, all chairpersons of Area land Committee are men.
- Even where women by law are mandated to be represented, their contribution in decision making is still low due to limited access to information so their understanding of land issues are low

- Some of the comments from field were that:**
- There is limited information available for men and women and the women have less opportunities to access the available information on land because of their heavy
 - It was then proposed that Land management processes need to be envisaged in the qualitative participation and contribution in the decision making processes rather than the quantitative assignment of mere numbers for representation. The aspect of input and output at each level of the land management processes need to be highlighted at all land management and dispute resolution processes.

District Score

No.	Variable	Mukono	Luwero	Kampala	Gulu	Apac	Pader	Kibaale	Ntungamo	Rukungiri	Mbale	Average for 10 districts
1	Implementation of gender balanced practices	3	3.5	3.2	3.2	3.6	2.22	2	4	3.2	3	3.092
2	Equal participation	3	4	3.4	3.3	2.6	2.7	3	5	3.4	4	3.44
3	Knowledge and awareness on gender	3	3.2	2.4	3.17	3.4	2.9	2	3	2.2	3	2.847
4	Participation in decision-making and representation	2	3.5	3.8	2.9	2.7	2.4	2	3	3.8	3	2.91
5	Information accessibility (disaggregated data)	3	2	2.8	2.09	3.3	2.4	2	3	2.8	2	2.539
6	Assessment/structural set up	4	3.5	2	2.8	2.4	2.5	1	2	2	2	2.42
Average		3	3.28	2.93	3	3	2.52	2	3.33	2.9	2.83	

- Criteria 2:**
- Capacity Building and Empowerment of Men and Women to Access , Use and Benefit From Land**
- Financial resources for capacity building;**
- Financial resources or budgets allocated to capacity building as an indicator which shows that men and women are empowered to use, access and benefit from land was rated as the most crucial indicator by a majority of the respondents.

- It was however established that the land management institutions at the local Government level still lack appropriate budget allocations to facilitate the smooth running of the land transactions.

Comments:

- Districts lack capacity of managing funds
- There is limited capacity in budgeting at the districts

District score

No.	Variable	Mukono	Luwero	Kampala	Gulu	Apac	Pader	Kibaale	Ntungamo	Rukugiri	Mbale	Average for 10 districts
1	Gender Equality in existing tenure rights	3	3	2.5	1.12	2.4	2.7	2	3	3	1	2.372
2	Gender Equality in existing dispute resolution mechanisms (legal and cultural)	3.3	2	3.3	2	3	2.3	1	3	2	2	2.39
3	Equitable social protection processes	3.5	3	2.8	1.2	2.6	2	1	3	4	2	2.51
4	Existing legal framework of women's land rights	3.5	3	4	2	4	3	3	4	5	3	3.25
	Average	3.325	2.75	3.15	1.58	3	2.5	1.75	3.25	3.5	2	

Criteria 3:

**Legal and institutional considerations
Tenure Rights and gender equality;**

- Gender equality in tenure rights is ranked most crucial by more than half of males and females across the study districts with an overall average of 60% of all respondents rating it as lacking for women.
- Men's tenure rights are more protected under the law and custom. Women do not inherit and when they divorce they go as they came according to a respondent in Mbale.

Dispute resolution Institutions and gender equality.

- The of respondents majority 62% know local councils (LCs) as a dispute resolution institution. Others mentioned Clan/family structures and area land committees.
- (95%) believed that these institutions serve both men and women but very few women use them although they are more vulnerable than men on land issues.
- The composition of the land tribunals lacked a legal requirement for women representation and therefore were predominantly men.

- Religious practices promote men as heads of households and therefore take all decisions concerning land

- Courts are not accessible for women so they use them less than men
- Women’s access to justice is hindered by discriminatory laws such as land legislation, where inequities in land ownership were not corrected by the Land Ac
- Equitable social protection
- Socially men are protected by law and custom. When women are in cohabitation they own nothing and cannot claim it.

District Score

No.	Variable	Mukono	Luwero	Kampala	Gulu	Apac	Pader	Kibaale	Ntungamo	Rukugiri	Mbale	Average for 10 districts
1	Allocation of financial resources	2	2.3	2.3	2.2	1.9	2	1	2.2	2	3	2.09
2	Availability and utilization of information	3.3	3	2.3	2.2	2	2.4	2	2.2	2	2	2.34
3	Tools and facilities used for capacity building	2.3	3	2	2.3	2.1	2	2	2.8	2	3	2.35
4	Mechanisms to assess change	3.3	2	3	2.1	2	2.2	2.2	2.2	2	3	2.4
	Average	2.725	2.575	2.4	2.2	2	2.15	1.8	2.35	2	2.75	

Comments:

- Majority of the women are not knowledgeable on their rights
- Women are suppressed by men
- The institutions available are dominated by men
- Women are denied their rights because of the cultural practices
- Women have less chances to issues concerning land
- Women do not get timely and reliable information
- Men connive with fellow men against the women since they dominate the committees
- Women are not listened to

Criteria 4:**Socio- cultural issues regarding land rights of men & women****Statutory and customary laws and practices;**

- Socially and culturally, customary laws and women's land rights was considered by about 55% of the respondents overall as one with the most negative impact on gender closely followed by traditional land structures and women's land rights. Other issues mentioned were statutory instruments on women's land rights, traditional governance are also considered to have the same impact.
- Women's land rights re limited by inequitable legal and customary practice

- Women lack the capacity to express themselves before the committee
- Members during dispute resolution sessions
- Culturally women have no powers on land
- Culturally women have no powers over land and cannot debate over land and so they have no social protection whenever their rights over land are abused. The men are more protected

Criteria 4 cont

- Culturally women have no powers over land and cannot debate over land and so they have no social protection whenever their rights over land are abused.
- Women lack the capacity to express themselves before the committee
- Religious practices promote men as heads of households and therefore take all decisions concerning land

- Traditional land governance structures
- The research revealed that the traditional system of land management lacked good documentation.

Comments:

- The customary heir is normally a male
- Widows are chased away after the death of the husband

**Criteria 5:
Economic considerations**

Innovations and Economic Development;

- Majority respondents (62.9%) indicated that cultivating food for subsistence and development is the main consideration for integrating agriculture for food production in land management processes.
- Land Markets accessible and fair for both men and women
- Land markets are open for both men and women but the men afford it more than women because women have no incomes

District Score

No.	Variable	Mukono	Luwero	Kampala	Gulu	Apac	Pader	Kibaale	Ntungamo	Rukugiri	Mbale	Average for 10 districts
1	Equitable customary rights	3.25	2.6	2.8	3.42	2.3	2.1	2	2	3	3	2.647
2	Equitable customary land governance	2	2	2	2.3	1.7	1.3	2	1	2	2	1.83
	Average	2.625	2.3	2.4	2.86	2	1.7	2	1.5	2.5	2.5	

- Men own land more than men and as a result land transactions are made without the consent
- Women do not always share in the benefits of production, even though they do most of the work which reduces productivity. Woman in Mbale says, 'I cannot put in more effort in cultivation because the harvest can as well be used to marry a third wife'.

District Score

No.	Variable	Mukono	Luwero	Kampala	Gulu	Apac	Pader	Kibaale	Ntungamo	Rukugiri	Mbale	Average for 10 districts
1	Agriculture and food production	3	3.5	4	4.4	1.8	3.41	5	5	3	3	3.611
2	Water and sanitation	4	4	3.6	2.91	2.3	2.78	3	3	3.2	3	3.179
3	Land for foreign direct investment	1.5	1	1	2.7	1.9	2.2	3	1	1	1	1.63
4	Land markets	2.5	2	1	2.98	1.8	2.96	2	2	1.2	2	2.044
5	Land for social services	5	5	3.5	2.86	2.2	2.6	2	3	3	2	3.116
	Average	3.2	3.1	2.62	3.17	2	2.79	3	2.8	2.28	2.2	

District Score

No.	Variable	Mukono	Luwero	Kampala	Gulu	Apac	Pader	Kibaale	Ntungamo	Rukugiri	Mbale	Average for 10 districts
1	Women's empowerment and land rights addressed	3.8	2.5	2	1.2	2.8	2.4	4	3	2	5	2.87
2	Gender sensitive training tool kits	2.8	4.3	4.5	1.4	3.2	3.6	4	3	4	2	3.28
3	Coordination between land administrators and state actors	2.6	2	3	1.9	2.8	2.5	3	3	3	3	2.68
4	Grass root representation on different foras	2.8	2.6	4	2	2.6	2.3	3	3	4	4	3.03
5	Local Government structures and systems	3.4	4.3	4.2	2.5	3.6	4.3	5	4	4	5	4.03
	Average	3.08	3.14	3.54	1.8	3	3	3.8	3.6	3	3.8	

- ### Criteria 6: Coordination and sustainability
- There is a big gap in the land administration institutions that even what is done in one department is not known by another department within the same institution
 - There is no flow or sharing of information among the departments as well as disseminating it to the districts and the communities
 - The existing structure are not coordinated

Overall district scores

No	Criteria	Overall Districts Scores										Average
		Mukono	Luwero	Kampala	Gulu	Apac	Pader	Kibaale	Ntungamo	Rukugiri	Mbale	
1	Equal participation between men and women in land governance	3	3.28	2.93	3	3	2.52	2	3.33	2.9	2.83	2.879
2	Capacity Building and Empowerment of Men and Women to Access , Use and Benefit From Land	3.325	2.75	3.15	1.58	3	2.5	1.75	3.25	3.5	2	2.681
3	Legal and Institutional considerations	2.725	2.575	2.4	2.2	2	2.15	1.8	2.35	2	2.75	2.295
4	Socio-cultural issues regarding land rights of men & women	2.625	2.3	2.4	2.86	2	1.7	2	1.5	2.5	2.5	2.295
5	Economic considerations	3.2	3.1	2.62	3.17	2	2.79	3	2.8	2.28	2.2	2.716
6	Coordination and sustainability	3.08	3.14	3.54	1.8	3	3	3.8	3.6	3	3.8	3.176
	Overall score											2.673

Next steps

- Educate men regarding women's situation. Help men understand the link between sharing power within the relationship and productivity and increased economic benefit, and this is to be done by:
 - Ministry of Lands Housing and Urban Development, Uganda Land Alliance' Districts planning authorities and
 - Development partners

- Deliberate efforts to build capacity for land management Institutions
- Sensitization exercises on cultural considerations
- Lobby for legislative changes on succession and inheritance laws

Nest steps

- Legislative Changes Succession laws and other land law
- Develop and deliberate information education and communication materials to address statutory and customary land right issues
- Lobby for introduction of Gender and Land rights education at primary school level level in pilot districts

- Make simplified versions of the available laws and better still have them translated in the different local languages
- Sensitize children, students through schools and have it inculcated in their education curriculum
- Sensitize women through community dialogues
- Vetting should be done for people to become representatives other than leaving it to the

Next steps cont

- Systematic demarcation of all the land in the different districts
- Enhance access to information to have it easily flow among people and shared for development
- Quarterly or bi-annual coordination meetings at district level
- Enhance centrally and coordinated reporting systems
- Avail adequate funds to the Land Fund to ease

Actors

- MoGLSD
- -Ministry of Lands, Housing and Urban Development
- Ministry of Justice and Constitutional Affairs, CSOs, Uganda Law Reform Commission
- ULA & the women's land rights movement
- Development partners
- District leadership