



GENDER-BASED VIOLENCE AND LAND DOCUMENTATION & ADMINISTRATION IN ZAMBIA

EMERGING LESSONS FROM IMPLEMENTATION

This brief draws from USAID’s experience supporting systematic land documentation in Zambia to further advance awareness and knowledge about the relationship between gender-based violence (GBV) and the access, use, and control of land and property. It aims to inform current and future design and implementation of programs that promote land-based investment and land rights (particularly women’s land rights) by civil society organizations, other donors, and the private sector.

BACKGROUND

Gender-based violence (GBV) is any harm or potential of harm perpetrated against a person or group on the basis of gender. It encompasses many expressions of violence – whether in public or private spaces – including physical, psychological, and sexual abuse; threats; coercion; arbitrary deprivation of liberty; and economic deprivation of land, property, and other resources. USAID is committed to preventing and responding to GBV, as it is a major barrier to development outcomes and to women’s social and economic empowerment.

The relationship between GBV and access, use, and control of land and property is highly context specific, depending on specific land systems that exist in each country, the legal framework on land and gender, and wider levels of gender inequality. Most of the literature and evidence available on the connection between GBV and land focuses on intimate partner violence (IPV) as a subset of GBV, with

some studies finding that secure land rights increase women's agency and socioeconomic status within families, which in turn decrease their vulnerability to IPV and enhance their ability to leave violent relationships. On the other hand, some studies found that strengthening women's land rights can instead increase conflict within households and result in IPV (see Boudreaux, 2018 and Castañeda Camey et al., 2020).

Although IPV is extremely relevant and pervasive, GBV during documentation, registration, and administration of land is broader, following the complexity of local land tenure systems, societal gender norms, and family relationships. Denying or limiting access to land is in itself a form of socioeconomic GBV and a World Bank study found that 40 percent of 189 countries have at least one legal barrier to women's rights to property (World Bank Group, 2018). Even in contexts where women and men enjoy equal legal rights to land, social practices and harmful gender norms may prevent women from enjoying such rights. However, limiting women's access to land is rarely recognized as a form of violence, with a 2015 survey by the Overseas Development Institute and Frontiers Group finding that only 1 percent and 1.7 percent of respondents identified denial of right to own land and denial of inheritance as forms of GBV, respectively (Samuels et al., 2015).

GBV is widespread in Zambia and affects women and girls disproportionately, with the 2018 Zambia Demographic and Health Survey reporting that 36 percent of Zambian women have experienced physical violence at least once since the age of 15 and 32 percent of ever-married women have experienced controlling behaviors by their husbands. More than half (52 percent) of women never sought help or told anyone about the violence they had experienced (Zambia Statistics Agency, Ministry of Health, & ICF, 2019). Despite the adoption of the Anti-Gender-Based Violence Law in 2011, GBV remains pervasive, deeply rooted in wider gender inequality and highly tolerated, especially in rural areas. In fact, Zambian women in rural areas (54 percent) are more likely than those in urban areas (37 percent) to agree that a husband is justified in hitting or beating his wife for reasons such as burning food, going out without telling him, or refusing to have sexual intercourse. Almost half (47 percent) of widowed women were dispossessed of their husband's property, with this figure reaching 59 percent in rural areas (Zambia Statistics Agency et al., 2019).

Zambia has a dual land tenure system with statutory and customary land, which is the majority of land in the country. Access to and inheritance of customary land is governed by the customary system. Chiefs are the "custodians" of customary land on behalf of communities, and they are responsible for its allocation and administration. Local advisors to the chiefs (indunas) and village headpersons are responsible for day-to-day land administration and conflict resolution. These leaders have a high degree of influence on community norms, as they are responsible for adjudicating most social and cultural conflicts within customary land, including inheritance and community and household-level conflict.

KEY THEMES AND LESSONS FROM USAID'S EXPERIENCE

USAID has supported customary land documentation in Zambia since 2014 and has supported partners to document the land rights of over 50,000 people so far, out of which 47 percent are women. USAID uses a socially inclusive technology known as [Mobile Approaches to Secure Tenure \(MAST\)](#) and promotes gender integration throughout the land documentation process to ensure that women's land rights are registered and interests and priorities are addressed.

Over 2019 and 2020, USAID's Integrated Land and Resource Governance program (ILRG) local partners Chipata District Land Alliance (CDLA) and Petauke District Land Alliance (PDLA) have collected qualitative data and stories while documenting customary land. This brief draws on this information to identify and analyze key themes and emerging lessons from USAID's experience in systematic land documentation in Zambia. Although the stories evidence the themes identified, they are not necessarily a comprehensive representation of GBV related to land documentation in Zambia.

Individuals mentioned in the brief have given consent to have their stories shared and their names and other potentially identifying information have been changed for their privacy and safety. The photographs used do not depict any of the women or specific events described in the document.

GBV IS MULTIGENERATIONAL AND AFFECTS WOMEN OF ALL AGES

GBV in the context of land documentation in Zambia is multigenerational and reflects the complexity of familial systems and relationships. **Violence is not only perpetrated by husbands, but also by children, cousins, uncles and aunts, and even neighbors.** In some occasions, **violence is also perpetrated by women**, including aunts and mothers-in-law, illustrating how gender norms are ingrained in all community members.

Women of all ages experience GBV, including elderly women. Young women, especially those who have left their village for a period of time to pursue education or employment in towns, also experience GBV as part of land conflict when they return to their home village. Girls are often excluded from land ownership and inheritance practices. As women often use and access land through a male relative, **changes in marital status, such as a divorce or becoming a widow, increase women's vulnerability to GBV.** Single women struggle to access land, increasing their risk of multiple forms of GBV, including property grabbing, physical violence, psychological violence, social isolation, and sexual abuse and exploitation. **Widows – and especially childless widows – are particularly vulnerable to GBV.** They are commonly humiliated and chased out of land upon the death of their husbands.

Esineya was married for six years and did not have children when her husband died. This was her husband's second marriage and until then she had a good relationship with his children. Soon after this death, they demanded that she stop using the field she cultivated with her late husband and leave the village. Scared of the verbal abuse and threats of physical violence, Esineya obliged. When land documentation started though, she brought her case to the land committee and was finally able to register 25 percent of the land in her name.

Grace, 71, experienced ridicule and verbal abuse from a male neighbor. This neighbor constantly remarked that Grace was an old woman, too old to farm, and extended the boundary of his land into her parcel. When Grace took her case to the land committee, the neighbor would consistently go to her place to verbally insult, intimidate, and threaten her. The land committee returned half of the encroached area to her and Grace explained that "it was not the kind of outcome I hoped for but, I am happy it was resolved and glad I did not lose everything."

Tamara inherited land from her late father; while living in a town, she used her salary to develop the land, hoping to retire there one day. A male relative, who also happened to be the village headperson, moved into her land and claimed it had been given to him by his late sister, another relative. Tamara tried to bring the issue to the attention of other family elders, but her relative threatened her and everyone else, arguing that Tamara was "just a young woman from town who did not understand tradition and culture." Not only did he supersede her claim to the land, but also he did not recognize the financial and labor investment Tamara had made in the land for many years. As the relative who took her land is a powerful man, Tamara was scared to pursue the matter any further. She now faces the reality of losing her only investment and is looking for land away from her village.

DIFFERENT TYPES OF GBV ARE CONNECTED

Different forms of GBV are intertwined and indivisible in land documentation. Economic violence, which includes denial of access, ownership, and inheritance rights, forced displacement, and property grabbing, is often accompanied by physical violence, threat of physical violence, emotional/psychological violence, and social violence, including social ostracism and ridicule. Indeed, **physical, psychological, and social violence are frequently used to control women's access and use of land and to**

facilitate property grabbing, be it by encroaching into women's lands, expelling women from their land, or preventing them to be included in land records. Hence, often women are either excluded from land, which is a form of economic GBV, or if they attempt to assert their rights, they are subjected to other forms of GBV.

Tamika lost part of her land and all her investment in it when she became the target of her neighbor, a powerful and feared relative of the chief, who developed an interest in her land. He encroached upon her parcel, turning it into grazing ground for his animals. Each time she tried to grow something on her field, he took the animals to graze the crop. Tamika asked her son, who is a village headperson, to intervene. When called for a meeting, Tamika's neighbor did not attend and threatened to have her son banned from the chieftom. Her son referred the matter to the chief, who has not yet acted on this matter. Tamika has lost hope that she will ever be able to reclaim the land she cleared and maintained for several years. She lives in fear that she will be dispossessed and that her powerful neighbor might be awarded her remaining land and harm her and her family.



Deciding whose name is on a certificate can reveal deep-seated conflicts within families

CLEMENT CHIRWA/TETRA TECH

When Vainess's husband died, her son who lived in a different village took possession of the land she cultivated with her late husband. During land documentation she registered the land in her name. Her son verbally assaulted her and attempted to physically assault her but was stopped by other family members. Frightened, Vainess surrendered the land back, but the village headperson ruled that she remained the landholder. As a compromise, Vainess added her son as a co-landholder, but while her name is on the title, in practice she does not have access to the land and remains ostracized by a large part of the family.

GBV AFFECTS WOMEN IN BOTH PATRILINEAL AND MATRILINEAL AREAS

In patrilineal areas, men traditionally own land, which is inherited by male descendants. Women primarily access and use land through male relatives, usually through a father or husband. When a woman marries, she is expected to leave her village and move to her husband's land, and married couples are not traditionally perceived to hold land jointly. There are concerns that if women were to have a claim over their husbands' land, it could get out of the family or clan in case of divorce or death. In fact, if women get divorced or their husbands die, they have no right to land and are expected to return to their family's village. Because women often move away from their original family upon marriage, they are more vulnerable to abuse and have fewer support systems in the case of violence. Furthermore, their ability to leave a violent relationship is constrained when returning to natal families is not feasible, and when their economic well-being is tied to their marriage. In matrilineal areas, land is passed through the female line, though not exclusively to women. However, **even in contexts where women can inherit land, power inequalities and deep-seated gender norms threaten women's land tenure security and they experience GBV related to land documentation.**

Elenesi was part of a patrilineal clan; upon the death of her husband when she was 72 years old, she wanted to have a part of her husband's land registered in her name. This was met with verbal and

psychological abuse, as well as threats of physical violence by her own sons, who refused to give her access to the land. One of her sons is a village headperson and used his power to further coerce her and hinder her from registering and accessing the land. Elenesi's sons pushed her to go back to her natal village, despite the fact that she had spent most of her life in her husband's village and her parents had long since passed. Her sons insisted that according to the patrilineal tradition, their mother was "a borrowed pig" who should go back to its owner.

When Faidesi, 62, got divorced she went back to her parents' village, leaving the land she had worked on for most of her life to her former husband and his new wife. She later inherited her father's field, hoping to start a new life. In the patrilineal culture of her tribe, land is passed to male children, and when the land documentation process started, her male cousins (children of her father's brother) tried to claim her land using threats and psychological violence. The dispute was resolved through the traditional court and Faidesi was awarded part of the land. The process was traumatic for Faidesi though, who remarked, "these children have insulted me so much over land left for me by my own father."

Following her mother's sudden death, Thandiwe inherited land from the maternal side of the family, in line with the matrilineal tradition in the area. Her uncle tried to take the field, arguing that she should leave and "go back to town." When Thandiwe tried to resist her uncle's attempts to take possession of the land she had inherited, she was met with threats and intimidation. With support from USAID's local partner PDLA, she was able to register the land in her name, but since her uncle is the village headperson, she is afraid of continuing to use it and is looking to rent her parcel out and move elsewhere.

TRADITIONAL LEADERS HOLD A KEY ROLE IN ADDRESSING GBV



Traditional leaders, like Chieftainess Mkanda, can be advocates for gender-sensitive conflict resolution and documentation
SANDRA COBURN/USAID

In Zambia's customary system, **traditional leaders, who are mostly men, are powerful and can hinder or promote women's land rights.** Traditional leaders (chiefs, indunas, and village headpersons) have the power to resolve disputes and make decisions related to land ownership and access. **Those who hold power over land in the traditional system can sometimes abuse their power by condoning GBV, making it difficult for women to seek redress, or even perpetrating GBV related to land documentation.**

Although in some instances traditional authorities might abuse their powers to carry out socioeconomic, psychological, and physical violence against women during land

documentation, **they are also frequently key actors who protect women's land rights and address GBV.** They have strong social and moral authority and their voice and actions carry a lot of weight regarding social norms, attitudes, and behaviors that are accepted or not. Since traditional leaders are responsible for conflict resolution, when solving land-based disputes, **they can ensure that women's rights to land are upheld and have the authority to put in place social sanctions against family members or other actors in communities who are perpetrating GBV.**

Given their influential role in administering customary land and the limited community systems to address GBV in many chiefdoms, it is important to engage traditional leaders as champions for gender equality, so they can not only promote and enforce women's land rights, but also be role models for positive change in gender norms.

It is important to note that organized land documentation processes that establish **independent community governance structures such as land committees can create opportunities for women to seek redress from land-related GBV and provide some degree of accountability**, especially when GBV is perpetrated or condoned by powerful members of the community.

Tasila was given land by her father, who decided to leave and settle in another village. However, her aunt felt she herself was entitled to the land because she was older and believed that her male children should inherit their uncle's property. Tasila's aunt repeatedly offended and belittled her to others in the village and gradually encroached into her field with the intention of eventually displacing her from the land. Despite a ruling by the male village headperson in Tasila's favor, the aunt would not let Tasila register the land, insisting on registering it in her own name as an elder of the family. Tasila was only able to register the land after the intervention of the indunas and the chief, who had received gender sensitization from the PDLA.

Single mother Temwani inherited a piece of land that was located between the fields of two male headpersons. Temwani lived there with her child and the orphaned children of her late sister for many years, until she noticed that both headpersons were extending their boundaries into her land. Knowing she was dealing with powerful men, she decided to report the matter directly to the chief's induna, who attempted to resolve the dispute without success. Feeling powerless and desperate, Temwani accepted the reality of losing her land until CDLA started the land documentation process in her village. She immediately presented her case and was referred to local dispute resolution. The parties agreed to walk the boundaries together with CDLA and Temwani felt empowered to point out the original boundaries. The headpersons agreed, the parcels were demarcated, and Temwani's land was documented in her name, with all the children as persons of interest.



The process of negotiating boundaries can create conflict over who has long-term rights to land and whether land should be registered under a broad family, or shared among male and female members
CLEMENT CHIRWA/TETRA TECH

Following the tradition of families giving land to unmarried adult daughters, Tionenji was given land by her stepfather. When he died, his grandsons refused to accept her claim to the land and subjected Tionenji to constant psychological and physical threats. Tionenji had difficulties in registering the land; each time she attempted to do so the grandsons threatened to kill her. Whenever she tried to bring the matter to the attention of the chief, the indunas blocked her access, demanding that she give something to them before they could allow her to meet the chief. With support from USAID's local partner CDLA, she was able to directly access the chief, who had been working closely with CDLA and had received gender sensitization. The chief resolved the matter and documented her land, also summoning the grandsons to warn them that should anything happen to Tionenji, they would be banned from the chiefdom.

LAND DOCUMENTATION CAN LEAD TO FAMILY CONFLICT AND GBV

As previously mentioned, most existing research on land and GBV is focused on IPV, with studies claiming that in some cases secure land rights can decrease IPV by elevating women's status within the household and their ability to leave a violent relationship, while in other cases secure land tenure can

increase vulnerability to IPV. The relationship between GBV and land documentation is broader than IPV, though, and follows complex tenure systems and family dynamics in individual contexts.

Land documentation can create resentment and increase conflict not only between spouses, but also within families and communities, often leading to GBV. Although IPV is not the only form of GBV related to land documentation, it is a common form. However, given the perceived private nature of IPV and intra-household GBV, the lack of institutional and community support systems, and social and cultural barriers, these forms of violence related to land documentation frequently remain underreported. In addition, **family conflict and violence can persist even after a seemingly successful resolution of land disputes.**

Single mother Nyawa, lived with her children on land inherited from her late father. When the land documentation process started, the male village headperson decided, without her knowledge, to register her field in his name. Nyawa did not participate in the demarcation process and only learned about it after she was alerted by friends, which highlights the importance of removing practical and cultural barriers to women's participation in every step of the land documentation process. Nyawa approached the headperson, who refused to entertain her complaint and insisted he had the right to do what he did, and that his decision was final. With intervention from CDLA and the land committee, the headperson agreed to give the land back to Nyawa. The records were changed and the land was documented in her name, with her two children as persons of interest.

Titemenji experienced threats of violence and divorce when her husband discovered her name had been included on the land certificate. During parcel demarcation and claims, the husband was out of the village and asked Titemenji to provide the necessary information. She did so and included both their names as landholders. At the objections, corrections, and confirmation step of the documentation process, her husband noticed that Titemenji's name was included, which infuriated him and his family. He threatened to beat and divorce her if she did not get her name removed from the parcel. Titemenji had to travel far from her home to go to the PDLA and ask for the change.



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Taoga's husband was out of the village during land demarcation and when registering the parcel, she included her name. When her husband realized it, he was furious. Taoga explained that joint titling was allowed, and she added her name thinking it was the right thing to do. He considered her action disrespectful and threatened to assault and divorce her. With the intervention of the extended family he reconsidered the divorce but insisted on having her name removed from the land certificate. She appealed to the male village headperson, who had been trained as a gender champion and actively encouraged to have women's names included on land certificates. The headperson reasoned with the husband, who agreed to have the land recorded in both his and Taoga's names.

RECOMMENDATIONS

As mentioned, the relationship between GBV and women's land rights is complex and depends on several context-specific factors. Favorable legal systems, social and cultural norms, family dynamics (including extended family), women's level of economic independence, and presence of supportive local authorities all influence whether this relationship is positive or negative. The stories in this brief show that in Zambia, the protective role of secure land rights and their ability to increase women's power to renegotiate relationships is not straightforward. GBV goes far beyond IPV: rather, it is diffuse, multigenerational, and pervasive in both matrilineal and patrilineal traditions. Physical, psychological, and economic violence are interconnected, perpetuated by diverse actors, and impact women at various life stages, of different legal statuses, and with different relationships to perpetrators.

The very process of land documentation can lead to GBV by increasing intra-family and intra-community conflict. The launch of land documentation processes in a community can create a sense of urgency and instigate people to alter land boundaries, engage in a property grabbing, and otherwise exclude people from accessing land. These acts of dispossession are often at the expense of vulnerable groups like widows, the elderly, people living with disabilities, and young women. Well-intentioned pressure from donors and civil society organizations to document a high number of parcels over a short period of time can increase the risk of GBV. Similarly, pushing for the inclusion of women in land records or joint titling without understanding the local context or engaging in parallel work to address broader gender norms may inadvertently put women at risk.

There are several barriers to addressing GBV in land documentation in Zambia and elsewhere. Addressing intra-familial GBV linked to land disputes is difficult due to perceptions that it is a private issue. Women are often unwilling or unable to seek support for fear of social stigma, out of loyalty to family members, economic dependency, or lack of support networks and services. There is still a widespread lack of

awareness about different forms of GBV related to land tenure beyond physical violence. Certain forms of economic and social violence such as property grabbing, denial of inheritance, intimidation, and social isolation are rarely acknowledged as gender-based, even though women are disproportionately affected. GBV and gender inequality in general remain socially and culturally tolerated in Zambia, normalized by authorities, men in the community, and women themselves, who often remain unaware, unwilling, or otherwise unable to seek redress. Support institutions and services are often not easily available and accessible to women experiencing GBV in rural areas. Finally, due to the very nature of the customary land system in the country, land disputes are typically resolved by traditional leaders, who themselves may be involved in perpetrating GBV both individually and through the exercise of their power.

USAID's strategies to address GBV in land documentation

- GBV capacity-building for all partners implementing land documentation, so they are able to monitor GBV cases and refer survivors for support through referral pathways.
- Active participation of women in all steps of land documentation so their interests and needs are considered and protected.
- Inclusion of gender-responsive conflict prevention and resolution strategies in the land documentation process.
- Sensitization of communities and key stakeholders (traditional leaders, members of land committees, court officials) to shift perceptions, attitudes, and behaviors towards gender roles, women's land rights, and GBV.
- Engagement of traditional authorities to champion gender equality in land and natural resources, including addressing GBV. USAID is developing customary gender guidelines with the House of Chiefs at the national level and promoting gender norms change dialogues with Indunas at the local level.
- Continued collection and analysis of evidence on the relationship between land documentation and GBV to draw lessons learned and best practices that can be applied in Zambia and other countries.

In order to mitigate the risks and address the barriers identified above, it is important that land documentation programs implement a strong and comprehensive approach to prevent and respond to GBV. Gender sensitization and capacity-building should cover the breadth of GBV related to land, including physical, psychological, sexual, social, and economic violence. Field staff carrying out land documentation should be aware of the nuances of GBV and engage in the documentation process with a do no harm approach. This includes being able to identify different expressions of GBV and referring those experiencing it to conflict resolution and specialized organizations or services available. Engaging traditional leaders at all levels is key, as they hold an influential role in the daily administration of land tenure and in the resolution of disputes.

As the individual stories from Zambia shared in this brief show, civil society organizations and local land governance structures established by land documentation programs can be a resource (and sometimes the only resource) for women experiencing GBV as a consequence of access, use, and control of land. It is important to build the capacity of these organizations to effectively address GBV in an informed manner that is survivor-centered and attentive to local contexts. Land documentation programs should embrace incremental gains and devise creative solutions. For instance, in contexts where joint titling is not in women's best interest or not feasible without placing them in high risk of GBV, alternatives such as registering women as persons of interest or recording land in the names of their children could be explored (this has been suggested by women themselves in Zambia). Finally, land documentation programs should work at the household and community levels to actively engage men, women, and local leaders on shifting harmful gender norms, particularly around who should own land. Such approaches would ensure that strengthening women's land rights truly promotes their social and economic empowerment while also preventing, mitigating, and responding to GBV.

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