



PRACTICAL IMPLEMENTATION GUIDE ON GENDER EQUALITY AND SOCIAL INCLUSION IN CUSTOMARY LAND REGISTRATION IN MALAWI

This guide is a practical resource on how to promote gender equality and social inclusion in customary land registration processes in Malawi. The guide is designed to complement and be read alongside the *Training & Operations Manual for Piloting of the Malawi Customary Land Act (2016)* by Systematic Registration developed by the Ministry of Lands, Housing, and Urban Development (MLHUD).

The target audience for the guide is all stakeholders directly involved in customary land registration, including government officers and partners working alongside the MLHUD Land Reform Implementation Unit, who should be familiar with the 2016 Customary Land Act (CLA) and other relevant land legislation and policy.

The document includes a series of short practical guidance on gender equality and social inclusion for the whole land registration process and for specific steps. It can be used in its totality, or the different sections can be used by field staff as a quick tool to assist gender and social inclusion integration in each step of the land registration process. The guide can also function as a general guideline for gender equality and social inclusion sensitization and training of different stakeholders and field teams.

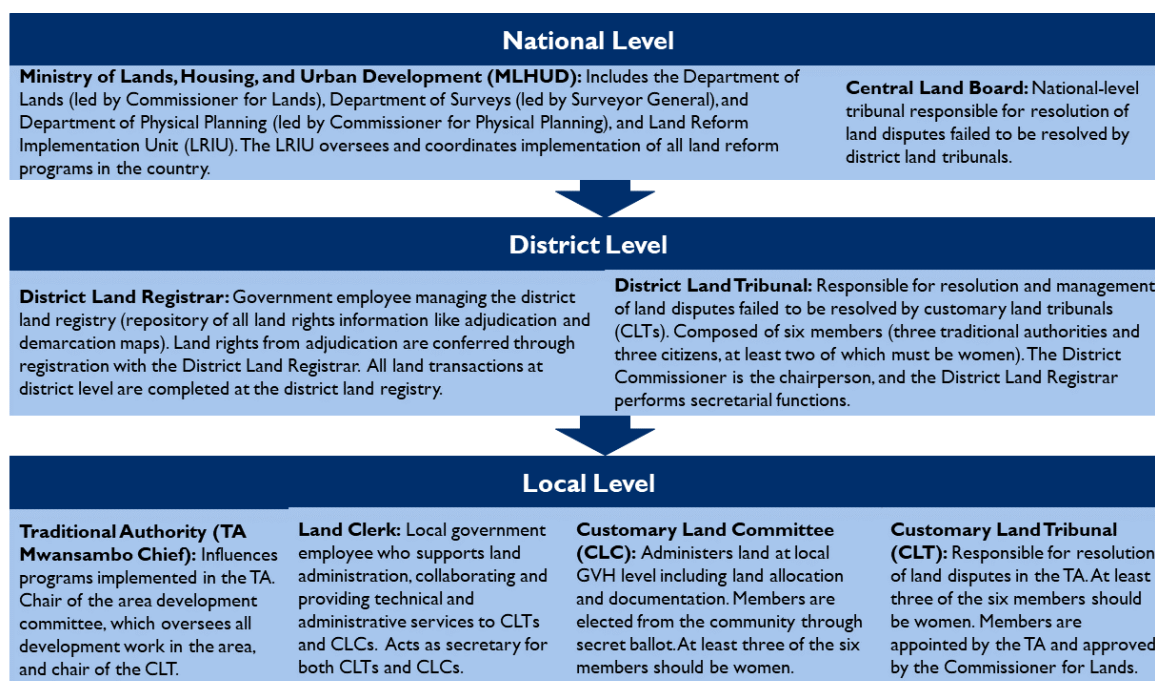


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BACKGROUND

The Malawi 2016 CLA provides, for the first time in the country's history, a framework to recognize and document rights to customary land. It proposes the registration of customary estates based on current, legitimate, and non-contested customary land occupation within traditional land management areas (TLMAs), transforming these holdings into private land, capable of being transacted and encumbered. The CLA creates an enabling environment for improving land governance through decentralization and for promoting investment and economic growth. It formalizes the authority and responsibilities of traditional leaders in land administration through the creation of committees and tribunals to carry out adjudication and resolution of customary land

disputes. The main stakeholders involved in the land registration process according to the CLA are detailed in the figure below.



WHY DO GENDER EQUALITY AND SOCIAL INCLUSION MATTER IN LAND REGISTRATION?

Land rights are important for both women and men because land is the foundation for security, shelter, livelihoods, wellbeing, and self-reliance. For women, owning land is a pathway to empowerment and economic opportunities. However, women around the world and in Malawi are less likely than men to own and control land, and they access land mostly through male relatives such as a father or husband.

Although the legal framework in Malawi provides for equality in land rights, socio-cultural norms and unequal power relations in communities and families hinder women’s ability to own, access, use, and control land. Even when women are the rightful landholders, for example in matrilineal systems, they often lack the decision-making power, knowledge, and opportunities to fully exercise their land rights and benefit economically from their land.

As the legal framework provides for equality in land documentation, systematic land registration efforts often adopt “**gender-neutral**” approaches, i.e., “one size fits all,” that seemingly do not exclude anyone. Although well-intentioned, a “gender-neutral” process can inadvertently reinforce power structures and biases that are detrimental to women and other marginalized groups like youth, the elderly, people with disabilities, non-residents/migrants, and others.

“Neutral” approaches carry several risks and limitations, including:

- Failure to acknowledge—and address—barriers and challenges that affect women and other marginalized groups disproportionately, such as mobility constraints, caring and household responsibilities, illiteracy, and lower educational background. These barriers hinder their ability to attend meetings, boundary walks, and other key events of the registration process.
- Technical team members and stakeholders involved in the process are often from the communities where documentation is taking place and may consciously and unconsciously

reproduce prevailing gender and social biases. They may lack the knowledge and/or are reluctant to engage in more complex work related to gender equality and social inclusion.

- Technology uses structured questions and the registration process prioritizes efficiency over inclusivity, failing to grasp nuances of how women and other marginalized groups own, access, and control land. Registration forms often lack space to record joint ownership, other parties with interest on the land, and secondary rights.
- Engaging only the “head of the household” (usually male), jeopardizing secondary rights (access, cultivation, collection, etc.) that women enjoy under customary practice.
- Access to dispute resolution mechanisms prevents participation of marginalized groups due to distance, costs, and social norms around who should speak in public or with authorities.
- Reinforcement of existing forms of gender-based violence, especially socio-economic violence in the form of limiting access to land.

Rather than “gender-neutral,” **gender-sensitive** and **gender-responsive** approaches are critical to recognize and address these procedural and social barriers, ultimately delivering truly inclusive and equal customary land registration in Malawi.

Consequences of Women’s Lack of Secure Land Rights

- Decreased ability to pursue economically independent livelihoods, increasing vulnerability to exploitation.
- Exclusion from decisions about the sale, lease, and use of land and property.
- Greater vulnerability to dispossession, land grabbing, and displacement.
- Denial of inheritance rights in case of divorce or spouse death.
- Perpetual higher levels of poverty and lower socio-economic status.
- Lack of a safety net in times of financial crises and life changing events.
- Greater vulnerability to enter and remain in abusive relationships and experience gender-based violence.

GUIDE STRUCTURE

The first part of the guide has general guidance on gender equality and social inclusion that applies to overall land registration (identified with red circles). The second part has specific guidance for individual steps in the land registration process (identified with blue circles).

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Gender Equality and Social Inclusion in Customary Land Registration

- Malawi law provides for equality in land rights, but **socio-cultural norms** create barriers for women and other marginalized groups (like youth, the elderly, and people with disabilities) to access, own, and control land.
- Although well-intentioned, a “gender neutral” approach to land registration – that seemingly does not exclude anyone – can reinforce these barriers. **Gender-responsive and socially inclusive approaches** pay attention to and address the needs of women and other marginalized groups so they can truly enjoy equal land rights.

Capacity and Responsibilities



- Provide training to all stakeholders involved in land registration on gender equality and social inclusion topics, including gender-based violence.
- Use gender balanced field teams and identify a gender equality and social inclusion specialist or focal point.
- Ensure that field teams understand the main gender and social inequalities in the community and reflect on their own biases.
- Make sure that all data collected is disaggregated by sex, age, and other relevant categories.

Reaching women and other marginalized groups



- Actively promote the participation of women and other marginalized groups in all steps of land registration: boundary mapping, land use planning, adjudication & demarcation, map display, objections & corrections, and issue of certificates.
- Schedule meetings at times and locations that work best for women and other marginalized groups in light of social and practical mobility restrictions and household and care responsibilities.
- Deliver notices, invitations, and messages in channels and locations women can access like word of mouth, radio, schools, markets, clinics, and churches.
- Carry out separate meetings and boundary walks for men, women, young men, and young women.
- Use gender-sensitive language and frame messages in a simple manner, using real-life and local stories and examples.

Key messages



- Emphasize the collective gains for families and communities when women enjoy the same rights to land as men:
 - Protection for female relatives in case of spouse death.
 - Greater ability to leverage the land for credit and investment, increasing family income.
 - Better household decision-making on use of income for food security, education, and healthcare.

UNCONSCIOUS BIASES AND GENDER-SENSITIVE LANGUAGE

Unconscious biases, or implicit biases, are underlying attitudes and stereotypes that people unconsciously attribute to another person or group of people, affecting how they perceive and engage with them. Everyone has unconscious biases, stemming from their process of socialization since childhood. It is important to be aware of this and make active efforts to identify when/how our own biases are influencing our interactions with others. There are several types of biases:

- **Affinity bias** – tendency to connect with people who share similar interests and backgrounds.
- **Confirmation bias** – tendency to look for, interpret, or favor information that reaffirms our personal desires, beliefs, and values.
- **Conformity bias** – tendency to act similar to others around us in an attempt to fit in, also known as peer pressure.
- **Halo/horn effect** – tendency to let a positive or negative impression of a person influence our opinion about them indefinitely. This could be an impression associated with a person's title, appearance, group membership, or actions.
- **Gender bias** – tendency to prefer one gender over another, associating certain qualities with each gender. For instance, perceptions of men as reliable, rational, strong, responsible, emotionally stable, and assertive, and women as weak, volatile, emotional, and quiet.

These biases and gender stereotypes can influence engagement with community members in different forms, such as addressing men first or only the man in a household/group; assuming men will speak at meetings; assuming that women are unable to take on leadership roles; assuming that women do not need to be involved because their husbands will speak for them or inform them; and expecting women to take notes or serve drinks in meetings, among others.

In addition to being aware of our biases, it is important to use **gender-sensitive and inclusive language** during meetings and interactions during land registration. The words we use send a message, whether we intend to or not. Gender-sensitive communication promotes inclusivity and gender equality by avoiding terms and expressions that carry stereotypes about men and women, or that are harmful and exclude certain groups.

During meetings, avoid terms that are biased towards one gender like “head of household” (which often implies men). When you call on people in meetings, have a standard way to identify them that is not biased towards a particular sex or gender, e.g., identify them by where they are sitting or the office they hold or the community they represent. When addressing people, maintain consistency in the way women and men are addressed; e.g., if addressed by last name or using titles such as Mr. and Ms., it should be the same equivalent for men and women. Avoid gender-biased expressions that reinforce gender stereotypes, e.g. “that’s a man’s job,” “man up,” “drama queen,” “every man for himself,” “she did a good job for a woman,” “he talks like a woman,” etc.

Allowing gender-insensitive language to be used during a meeting is likely to deter women’s participation and engagement. However, it is important to address the situation with respect: **call people in** instead of **calling people out**, so they do not feel alienated and become defensive. If someone uses a gender-biased expression during a household or group meeting, repeat the same phrase in a gender-sensitive way or simply reverse the phrase appropriately. For instance, if someone says, “*let us listen to the men’s opinion,*” reverse it to “*let us listen to the opinions of all community members, men and women.*”

ORGANIZING INCLUSIVE MEETINGS AND EVENTS

Several steps of the land registration process require community meetings and events, including group village headman (GVH) boundary mapping, sensitization, and public display of maps. It is critical to ensure that women and marginalized groups are able to attend and meaningfully participate in these meetings and events.

Questions for every meeting

<p style="text-align: center; margin: 0;">Equality Asks...</p> <ul style="list-style-type: none"> Did information about the meeting (topic, venue, date, time) reach everyone? Was every person in the community treated the same, with the right to participate in the meeting? 	<p style="text-align: center; margin: 0;">Diversity Asks...</p> <ul style="list-style-type: none"> Was everyone represented? Were representatives of every group and sub-group there? Men, women (married, single, widowed), youth, people with disabilities, etc.? 	<p style="text-align: center; margin: 0;">Equity Asks...</p> <ul style="list-style-type: none"> Was the seating arranged in a way that everyone could participate? Were accommodations made so people with disabilities or limited literacy could participate? 	<p style="text-align: center; margin: 0;">Inclusion Asks...</p> <ul style="list-style-type: none"> Did everyone get a chance to speak, beyond those in real or perceived positions of authority? Were different opinions and perspectives shared in the meeting?
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INVITING PEOPLE TO MEETINGS

Identify any socio-cultural and practical barriers that women and marginalized groups may face to attend meetings. It may be frowned upon or unexpected that women attend certain meetings, or men may be expected to attend and “represent” their wives and female relatives. Women, especially those with small children and other caring responsibilities, the elderly, and people with disabilities, may have social and physical mobility constraints that limit their ability to attend meetings. When scheduling a meeting or boundary walk, select dates, times, and locations that work for all community members and that can overcome the barriers identified. Consider:

- What times and days are women most available to participate in meetings?
- Do women and marginalized groups face cultural and practical mobility constraints?
- Are there certain places in the community where women are not expected to go? Are there places and times that are far or dangerous for women to be at certain times?

When advertising an upcoming meeting or event, make sure that all people hear about it and feel welcome, by asking yourself these questions:

- How do women and other marginalized groups typically receive information: from radio, flyers, posters, word of mouth?
- Where do they get information: the marketplace, schools, women’s groups, religious/faith organizations, while collecting water or wood?
- What is their level of literacy, language spoken, and previous knowledge?

Advertise sensitization activities well in advance and work with local organizations and activists to reach out to people. Specifically mention the requirement for women’s participation and send targeted invitations to women, youth, and marginalized groups.

- Deliver notice in a way that is assured of reaching women, whether by word of mouth, radio, or community announcement.
- Post invitations in locations women are likely to visit, including schools, markets, clinics, and religious centers.
- If possible, allow children to be present, as it will make more likely that women will participate. Select locations that are not far or hard to reach by foot for those carrying small children.

- Emphasize that the household should not be represented by only one person, but that all adults should attend, including men and women of different generations within a family.

DURING MEETINGS

Conduct different community meetings, both general meetings and meetings divided between men and women. As feasible, ensure that there are both female and male facilitators present. In smaller group discussions with women, make sure that community leaders (who tend to be men) are not present so that women feel comfortable participating and voicing their opinions.

Ask questions and specifically solicit answers, opinions, and questions from women, youth, and marginalized groups. Establish channels for two-way communication, so men and women in the community can ask questions and voice concerns. Make sure to repeat at the beginning, end, and during meetings that questions are welcome. Also leave written details of where people can get further information later on, in case questions come to them after you leave. At the end of meetings, encourage participants to bring their spouses, teenage children, or neighbors to future meetings.

AFTER MEETINGS

Make sure to record quantitative and qualitative data about the attendance and meaningful participation of men, women, young men, young women, people with disabilities, and other groups. After meetings and events, try to identify which families/people rarely or never come to meetings and try to find out why. Make special outreach and invitations for these families in future meetings.

KEY MESSAGES FOR SENSITIZATION ON GENDER EQUALITY AND SOCIAL INCLUSION

Print materials and talking points used for sensitization and training should include the following topics:

KEY GENDER AND INCLUSION CONCEPTS

- **Gender** refers to the social and cultural attributes associated with men and women. Men and women face different expectations about how they should dress or behave and regarding the roles and responsibilities they should or could have at the household, workplace, or public sphere. Gender is different from **sex**, which is the biological difference between men and women. Certain biological roles are specific to a certain sex, for example, falling pregnant or giving birth for women or producing sperm for men.
- Because they are socially determined, gender roles and responsibilities are dynamic: they can and do change over time. Across Malawi, gender roles are different between ethnic groups, rural and urban areas, and between generations.
 - **Give local examples** of how women have been involved in the roles previously restricted to men and performed just as good as men and some examples of how men have been involved in the roles culturally for women and performed well.
- **Gender equality** is the absence of discrimination in access to rights and opportunities based on gender. **Social inclusion** is the absence of discrimination for any other marginalized groups such as youth, the elderly, people with disabilities, people living with HIV/AIDS, migrants, etc.
- Equality does not mean that women and men become the same but that they both have equal rights, responsibilities, and opportunities, being treated fairly and according to their needs.
- In our culture women have the role of taking care of the house and children while men have the role of heading the household and community governance. In practice this means that men hold more power to make decisions. Both men and women lose out when left out of decision making. Lack of gender equality and social inclusion has physical, emotional, social, and economic consequences for men, women, and members of marginalized groups as individuals, as well as for families and the community as a whole.
- Our culture also believes in respect and togetherness. Which means it places value on women and men working together as equal partners, supporting, and complementing each other's efforts. When this happens, there are no losers and winners but gains for everyone.
 - Use questions to promote reflection and discussion of the concepts:
 - In what way do women lose out when excluded? In what way do men lose out?
 - How have you seen gender roles change over time in the community?
 - What are some of the consequences if there is no equality in the family? Or in the community?

Tips

When discussing gender equality and social inclusion during land registration, always:

- Emphasize that women's inclusion will be discussed, but not forced on families.
- Use local stories and expressions to ensure people can relate to the concepts and that the message is not perceived as externally imposed.
- Emphasize how everyone can gain, avoiding that some people feel like they are losing something. For example, talk about how land documentation can protect female relatives in case of a spouse's death and how women's increased income can improve children's nutrition and education.

EQUALITY AND INCLUSION DURING LAND REGISTRATION

- Men and women both use land for their subsistence and livelihoods. Men and women may have different values, uses, and knowledge about the land and natural resources from the land, so it is important that all are included in how land is owned and managed.
- In Malawi, land ownership rights are equal for men and women. The national laws and policy guiding the systematic registration of customary land support the inclusion of women.
- Women in Malawi have the right to own land and can be included on certificates just like men, on their own and jointly with a spouse.
- Children, both boys and girls, can also be included on the certificate. Access to resources like land is important for youth as a source of livelihoods and to help fulfill their potential to contribute to Malawi's social and economic development.
- There are many benefits to the whole family when women enjoy the same rights to land as men (see the text box on the right for examples).
- Holding documented land comes with rights and obligations and may affect future land transactions such as sale and passing inheritance.
- As a family, discuss who will be on the title and have a common understanding of the decision made. Discuss the consequences of insecure land rights and the benefits for men, women, children, and the family as a whole; socially, and economically; now and in the future.
- Explain the role of the customary land committee (CLC), the traditional authority, and data collectors in land registration. Emphasize that women can be members of the CLC and that it is important that both men and women participate in every step of the adjudication and demarcation process.
- Explain the role of the customary land tribunal (CLT) and that it will be in place to support women and men with disputes related to the registration process.

Benefits of Women's Secure Land and Property Rights

- Economic gains through access to a source of income.
- Incentive to invest in improvements to the land.
- Ability to leverage an asset for credit and business activities.
- Improved status in the household and society more broadly.
- Greater decision-making power over household decisions on use of income, which can lead to increased expenditure in food security, education, and healthcare that benefits the whole family.
- Security in case of life-changing events such as divorce or spouse death or external factors that disrupt livelihoods like global health crises and natural disasters.

GENDER EQUALITY, SOCIAL INCLUSION, AND LAND CONFLICT RESOLUTION

There are many causes of land conflicts: unclear or disputed boundaries, inheritance disputes, unclear or absent owners, idle land, land scarcity, land grabbing, developmental projects, etc. Previous systematic land registration efforts found that gender-related land conflicts are very common because of socio-cultural norms that limit the participation of women and other marginalized groups in land registration processes and their decision-making power over land, even when they are the rightful owners. Applying gender equality and social inclusion to land conflict resolution is critical, as it can offer a last recourse for these populations to access and enjoy their land rights. Conflict resolution can effectively protect and secure the land interests of women and other marginalized groups by following these principles:

- Mechanisms for conflict resolution should be independent, non-discriminatory, and transparent.
- Those facilitating and managing conflict resolution should receive training to develop their understanding, knowledge, and skills to promote and protect the land rights of women and marginalized groups. This includes training on common types of gender related conflicts in land registration, gender-responsive conflict resolution techniques, and gender-based violence.
- Composition of CLTs, district land tribunals (DLTs), and the Central Land Board should be gender balanced.
- Women's participation in dispute resolution can be achieved through quotas and provision of technical skills training.
- Alternative dispute resolution and mediation mechanisms should be made available and receive adequate training on gender related conflicts.
- Women's access to dispute resolution can be increased by emphasizing resolution at the local level in the first instance.
- Women and other marginalized groups should receive information on available dispute resolution processes, using channels that are accessible and providing additional support to those who are illiterate or require translation.

ENGAGING TRADITIONAL AUTHORITIES

Traditional authorities (TAs) play a critical role in customary land registration according to the 2016 CLA. They play an advisory role to the area development committee, which oversees all development work in the area, and of the CLT. In addition, they are the custodians of culture and tradition, as well as widely honored, respected, and powerful. As such, they have great influence to persuade communities and institutions to promote the participation and inclusion of women and other marginalized groups in land registration and governance.

PAYING A COURTESY CALL TO THE TRADITIONAL AUTHORITY

This initial visit is an opportunity to show respect to the traditional authority, present the intention to begin land registration in the area, and obtain support to gender equality and social inclusion goals. When preparing the courtesy call:

- Contact the clerk of the TA to confirm their availability, explain the purpose and agenda of the meeting, and set a date, time, and venue for the meeting.
- Familiarize yourself with the values of respect—your communication, behavior, and interactions should at all times show respect for the traditional leaders and their cultural values. Understand what is culturally allowable in terms of communication and behavior and prepare to present your gender messaging building on what already exists in the culture.
- Decide the team that will attend the meeting. It is highly likely that the meeting will be male dominated. If acceptable, plan to facilitate the dialogue as a pair of woman and man if you are aware that delivery of gender messages by a woman alone will not be well received. This can help the TA to see the reality of women and men working together and make a TA who may find it unacceptable to be addressed by a woman more comfortable to be at the meeting. If you choose to facilitate as a pair, ensure that you decide roles and responsibilities in advance.
- Prepare to be at the venue a few minutes before the stated time. Arriving late can be seen as disrespectful.
- Follow the guidance of the TA's advisors throughout your visit, even if you are familiar with traditional protocols. You may have done courtesy calls to the TA many times before and be familiar with protocols, but this time you are on a different and sensitive agenda that touches on cultural norms, so you need to pay particular attention to every detail in terms of traditional requirements. It is also important to remember that though traditional protocols may be similar, there could be differences between TAs.
- As much as possible, communicate in the local language.

The Cultural Value System of Respect

In facilitating gender dialogue, ensure that you do not allow any action that can be misconstrued as disrespect or break any of the rules of respect. This has high potential for TAs to consciously or unconsciously associate a gender equality agenda with being disrespectful or with adopting Western values, leading to defensiveness and rejection of the message. Women particularly need to be careful with observing the values of respect.

The key message to be conveyed to the TA is that land registration should be gender-responsive and actively promote social inclusion, addressing the barriers women and other marginalized groups face, so they can fully enjoy the benefits associated with land ownership, use, and control. The overall goals are to gain the TA's initial buy-in to support this message in the community and to actively promote these objectives in the exercise of their roles in the land registration process and as guardians of the local culture and tradition. In particular:

- Explain the agenda of the meeting as wanting to increase the participation of women in land registration and that this is important because women should not be left behind but be part and parcel of community resource management.
- Introduce a gender equality and social inclusion conversation by asking what roles they see for women and men in land registration and governance. This discussion will already begin to bring out the cultural norms that allow for discrimination and underrepresentation of women. Please refer to the sections above, *Key Messages for Sensitization on Gender Equality and Social Inclusion* and *Unconscious Bias and Gender-Sensitive Language*, for further guidance.
- Emphasize the need for an open and honest discussion, based on the realities and experiences in the communities. Emphasize that it is important that TAs are open and objective about these issues and reflect on how they affect economic growth, development, and prosperity in the area.
- Emphasize the TA's critical role both in land registration/governance and in promoting positive shifts in harmful norms that hinder women's access, ownership, use, and control of land. As a custodian of cultural norms and traditional practices, the TA can influence women to participate and men and other stakeholders to create an enabling environment for their participation.
- State key steps of the land registration process when the TA's support to gender equality and social inclusion messaging will be particularly important, such as community sensitization, boundary mapping, land use planning, adjudication and demarcation, objections and corrections, and distribution of certificates. As much as possible, provide a timeline and specific asks from the TA.
- At the end of the discussion, summarize the important points that have come out, emphasizing what can be done to promote the inclusion of women and other marginalized groups in land registration. Agree specific actions to be done by the TAs immediately and going forward.

WHAT IF THE TRADITIONAL AUTHORITY IS NOT SUPPORTIVE?

Your focus should be on delivering the key message and employing the best of your facilitation skills to encourage receptiveness and buy-in.

- Back your messages up with good examples that are relevant to the context and to the participation of women and marginalized groups in land ownership and governance. Highlight positive gains to children, families, and the community as a whole, including political and socioeconomic benefits from inclusive land rights.
- Reiterate that women represent an important part of the TA constituency and promoting their rights will further increase their respect and admiration for the TA.
- Do not offer arguments based on your individual beliefs, remain focused on the key messages and goals of the meeting.
- Accommodate every opinion, even negative ones, but ensure that you respectfully correct any misconceptions or stereotypes. However, avoid feeding opposing opinions and instead capitalize on positive opinions.
- If you do not have the information or are unsure about something, do not provide partial or inaccurate answers. Feel confident and be humble enough to say, "I don't know but I will find out and get back to you."
- Pay attention to body language and unspoken reactions of the different individuals. If the tone in the meeting becomes seriously tense, to the point that it is no longer productive, quickly re-focus the discussion to de-escalate the tension. You can do this by simply taking a short break or introducing some light-hearted humor.

GENDER-BASED VIOLENCE

WHAT IS GBV?

Gender-based violence (GBV) is violence directed against a person because of their gender identity. Although GBV can be experienced by anyone, women and girls are disproportionately affected. GBV can be perpetrated by individuals, groups of individuals, or institutions and can happen at the household, workplace, schools, streets, and any other public or private space.

WHAT ARE THE DIFFERENT TYPES OF GBV?

GBV can be physical, emotional/psychological, sexual, social, and/or economic. Examples include:

- Physical assault or threat of physical assault, including domestic and intimate partner violence.
- Coercion, verbal offenses, and controlling behaviors, such as controlling mobility, social interactions, clothes, and reproductive life.
- Sexual assault and rape, including marital or spouse rape.
- Economic violence, including limitations to inheritance and ownership rights, restricting decision making on earnings, and restricting access to financial resources, education, or the labor market.
- Child marriage, honor killings, trafficking, forced marriage, forced prostitution, acid attacks, and female feticide and infanticide.
- Violence in public spaces such as restricting access or services, staring, stalking, and verbal harassment.
- Unwanted sexual advances or sexual harassment at the workplace or in public institutions, including demanding sexual favors or relations in return for certain benefits or to avoid retaliation.
- Online violence including harassment, stalking, threats, defamation, and sharing of private images or videos without consent via email, phone, chats, video, and social media.

GBV Prevalence in Malawi

- Around 28% of women in Malawi reported having experienced physical GBV since age 15 and around 14% reported having experienced it in the past 12 months.
- Over 25% of girls and women over 15 reported having experienced sexual violence by any perpetrator.
- Over 25% of girls and women over 15 reported having experienced emotional or psychological violence from an intimate partner.
- Almost 28% of women over 18 reported having ever experienced economic violence from an intimate partner.
- 30% of men and 39% of women agree with the statement “women sometimes deserve to be beaten” and over 75% of people believe GBV is a private matter.
- Around 42% of girls married before the age of 18, and 9% under the age of 15.

Sources: Health Policy Project, 2015, *Gender-based Violence in Malawi: A Literature Review to Inform the National Response*; UNICEF Malawi, 2020, *Budget Scoping on Programmes and Interventions to End Child Marriage in Malawi*.

GBV CAN INCLUDE



IMPORTANT MALAWI LAWS AND POLICIES ON GBV

2006 Prevention of Domestic Violence Act – provides a broad definition of GBV in terms of types of violence and perpetrators. It establishes structures for protection, defines the roles and responsibilities of enforcement officers and service providers, and establishes the duty to report GBV for anyone who witnesses it or has a reason to believe it is occurring.

2013 Gender Equality Act – prohibits sexual harassment and harmful practices, defined as social, cultural, or religious practices that, due to sex, gender, or marital status undermine the dignity, health, or liberty of any person, or result in physical, sexual, emotional, or psychological harm.

National Plan of Action to Combat Gender-Based Violence in Malawi 2014-2020 – outlines priority actions to end GBV, support people experiencing GBV, and rehabilitate perpetrators, also including an implementation plan, a risk management plan, and a monitoring and evaluation plan.

Other laws address that GBV directly and indirectly: **2015 Marriage, Divorce and Family Relations Act; 2015 Trafficking in Persons Act; 2011 Deceased Estate (Wills, Inheritance and Protection) Act; 2010 Child Care, Protection and Justice Act;** the **1994 Constitution;** and the **1974 Penal Code**. Policies and guidelines in the areas of health, education, and development include strategies to address GBV. Malawi is a signatory to several international and regional agreements related to GBV and harmful practices, which have been codified into the national laws and policies.

WHAT CAN WE DO TO ADDRESS GBV?

- Understand the local context and the different forms of GBV
- Know the GBV laws and protection mechanisms available
- Listen to people experiencing GBV, empathize and do not judge
- Avoid using disempowering terms like “victim” or “survivor,” use “person experiencing/who experienced GBV” instead
- Challenge and shift harmful gender norms and promote positive behaviors related to gender
- Refer people experiencing GBV to specialized services offering legal, health, and socio-emotional support

The Importance of Privacy and Confidentiality

A person who experienced or is experiencing GBV may be at risk of violent backlash from the GBV perpetrator or others. They may also be socially stigmatized. Because of this, any interaction where GBV is disclosed must be kept private and steps to help the person should be confidential.

CONTACTS FOR GBV SUPPORT

Helplines: GBV Crisis Line 5600 and Child Helpline 116

LEGAL SERVICES

Legal Aid, 1st Floor Shire Building, Off Paul Kagame Highway, P.O. Box 675. Lilongwe, Tel: + (265) 01 753 945. Fax: + (265) 01 757 616. Email: info@legalaidbureau.org

Women Lawyers Association of Malawi, House no. 181, Area 47/3, Lilongwe, Tel: +265 993 303 212, info@womenlawyersmalawi.org

Malawi Human Rights Commission, H.B. House, Off Paul Kagame, Private Bag 378, Lilongwe, Tel: +265 1 750 900/958/954 | Fax: +265 1 750 943, info@malawihrc.org

Gender and Justice Unit, Chitipi, Lilongwe, Malawi, Tel: +265 880351009, info@genderandjustice.org

PSYCHOSOCIAL SUPPORT

Youth Net and Counselling (YONECO),
Tithandizane helpline services, Youth Helpline 393,
executive@yoneco.org.mw; info@yoneco.org

Fountain of Life, PO Box 1993, Area 36/6/217, Tel.
+265 997 115, Info@mwfountainoflife.org

NKHOTAKOTA DISTRICT SERVICES

Nkhotakota Police Station, P.O Box 50,
Nkhotakota

Nkhotakota Resident Magistrate Court, P/B
Nkhotakota, Tel. +265 1292 255

Mwansambo Police Unit, P.O. Box 14,
Mwansambo, Nkhotakota

**Nkhotakota District Council Gender and
Social Welfare Officers**, P/Bag 48, Nkhotakota,
Tel: +265922200, +265 999 074 265, +265 884 411
392,

Child Protection Worker, T/A Mwansambo, Tel:
+265 999 625 900

**Catholic Commission for Justice and Peace
(CCJP)**, Nkhotakota Office, P/B 48, Nkhotakota

Umunthu Plus, Yanu Yanu Buildings, along
Nkhotakota Police Road, Post Office Box 26,
Nkhotakota, Tel: +265) (0) 887 185 458/ 990 528
706/999196535, info@umunthuplus.org

**Foundation for Community and Capacity
Development (FOCCAD)**, P.O Box 238,
Nkhotakota, Tel: +265 999 14 36 61,
info@foccad.org

PLANNING AND PREPARATION

CONTEXT ANALYSIS

When planning and preparing to begin land registration in a TLMA, gather information on the customs and practices related to gender, social inclusion, and land. This includes:

- Social norms and practices on ownership, access to, and control of land by women, youth, and other marginalized groups, including power dynamics, inheritance rights, and land rights related to marriage, divorce, and death of spouse in matrilineal and patrilineal systems.
- Particularly vulnerable groups with respect to land documentation, including young women, women in polygamous unions, women in unregistered relationships, widows, divorcees, elderly, orphan children, people with disabilities, and migrants.
- Existing social and practical barriers that may limit participation of women, youth, and other marginalized groups in the registration process, including social biases and stereotypes, mobility constraints, competing household/caring responsibilities, and literacy and language barriers.
- Existing or recent land developments such as disputes, resettlement, and State or private sector land grabbing, especially how marginalized groups might have been affected.
- Gender balance and youth representation in existing community governance structures.
- Most effective communication methods for reaching women, youth, and other marginalized groups in the community, especially those who do not read or write, do not speak English, or have limited social and practical mobility.
- Stakeholders that can promote or hinder gender equality and social inclusion, including local organizations, groups, traditional leaders, religious leaders, activists, and paralegals.
- Existing stakeholders working on gender equality and social inclusion (organizations, groups, influential leaders) in the locality.

Although using secondary or existing data enhances time and resource efficiency, collect primary data as much as possible, using participatory approaches to consult women and marginalized groups.

PROJECT DESIGN

Based on the information gathered by the context analysis, develop a strategy for gender equality and social inclusion to ensure that the documentation process is sensitive and responsive to the barriers and needs of women and other marginalized groups. Develop appropriate training and sensitization approaches and materials and revise/complement technical training manuals as needed. Ensure that all data collected is disaggregated by sex, age, and other relevant categories and devise indicators that specifically measure and track changes in women's land rights and women's and vulnerable people's active involvement in the land registration process. Design strategies to capture information on positive and negative unintended consequences of land documentation for different groups.

RECRUITMENT

Include a gender equality and social inclusion specialist in the team to ensure integration and to provide adequate guidance and training to all stakeholders throughout the process. If not feasible, identify a team member responsible for ensuring gender integration and acting as a focal point pm GBV. Strive to hire a gender-balanced group of data collectors and processors. Review job

descriptions and channels where jobs are advertised to ensure that they reach and appeal to qualified applicants of any gender. This includes revising qualifications and requirements for technical jobs such as having a motorcycle license.

When providing training to data collectors and processors, include not only technical topics (land registration process, GIS, technology used, etc.), but also gender equality and social inclusion topics such as gender-responsive and inclusive approaches, gender norms, and GBV. Encourage reflection on staff's own biases. Training should be practical and equip staff on how to discuss these concepts with community members. Follow-up and refresher training should be provided as feasible.

MAPPING THE BOUNDARIES OF COMMUNITIES AND PARTICIPATORY LAND USE PLANNING

Mapping the boundaries of gazette GVHs in a traditional area and land use planning are important steps in the land registration process, taking place before parcel adjudication and demarcation begins. They allow the communities to reserve and avoid encroachment of spaces intended for communal use and development, such as schools, clinics, playgrounds, forests, and grazing lands. Mapping involves the verification of community boundaries and resolution of any conflicts between different communities. Land use planning involves the consultation of traditional leaders and different groups within the communities. This should be participatory, so that not only men, but women, youth, and members of other marginalized groups are able to produce their own maps.

BEFORE BOUNDARY MAPPING AND LAND USE PLANNING

- Schedule and arrange times and locations that work for women and other marginalized groups.
- Specifically mention the importance of women's participation in any invitation.
- Deliver notice of meetings in ways that reach women and other marginalized groups.
- Provide interpretation/translation for community members who do not speak English.

DURING BOUNDARY MAPPING AND LAND USE PLANNING

- If carrying out boundary walks, proactively request women, men, youth, and members of marginalized groups to participate. Allow the community to identify women leaders to take part, as this will make other women feel comfortable with attending.
- Use gender-balanced field teams and facilitators.
- Ensure inclusive selection of community members to assist with georeferencing (equal number of men and women and representativeness of marginalized groups).
- Carry out separate mapping exercises for men and women and for marginalized sub-groups (e.g., youth, widowers, women heading households on their own, orphans, elderly, migrants, people with disabilities), so they can identify resources and infrastructures that are relevant to their daily lives. Be especially aware of whether different groups identify different community areas as needing special protection.
- Preferably ask women to identify boundary markers and boundary lines before men, so they do not feel intimidated and compelled to follow men's markers.
- Use participatory methods of community mapping and sketching to enable the inclusion of marginalized groups and those with limited literacy skills.
- Ensure that participatory maps made by groups of men, women and youth are equally valued and emphasized in a combined community map. Specifically instruct the community on the requirement for both women and men to review the community map.
- Capture gender-related experiences and stories on camera or by notes—these can be used in the same community as well as in others to inspire women to share their views.

INITIAL SENSITIZATION AND TRAINING OF STAKEHOLDERS

Several stakeholders are involved in land registration at local, district, and national level, including the district land registrar, land clerk, members of the DLT and CLT, traditional authorities, and data collectors and processors. These stakeholders will likely receive orientation and/or training on technical aspects of the land registration process, but it is crucial that they are also sensitized and trained on gender equality and social inclusion. They should be made aware of the risks of “gender-neutral” approaches and the importance of gender-sensitive and gender-responsive strategies when delivering their responsibilities.

The goals of sensitizing and training different stakeholders are:

Stakeholder	Goal
District land registrar, land clerk, CLT and DLT members	<ul style="list-style-type: none"> Gain buy-in to recognize and actively promote gender equality and social inclusion in the exercise of their functions (registration of new rights, when updating records in the future, and when resolving land conflicts). Increase knowledge of key concepts on gender equality and social inclusion applied to land registration. Equip officers with information and tools on gender-sensitive conflict resolution and GBV prevention and response. Ensure that systems record disaggregated data for new certificates and changes in certificates and continue to do so in the future.
Documentation team (data collectors and processors)	<ul style="list-style-type: none"> Increase knowledge of key concepts on gender equality and social inclusion applied to land registration. Provide practical guidance on how promote gender equality and social inclusion during each step of registration. Equip team with information and tools to proactively reach out to women and other marginalized groups during adjudication and demarcation and to identify and address cases of GBV related to land registration.
Traditional leaders	<ul style="list-style-type: none"> Gain initial buy-in to support gender equality and social inclusion messages in the community and to actively promote these objectives in the exercise of their roles. Encourage leaders to champion shifts in harmful gender norms that hinder women’s land rights in their areas.

For further guidance on specific messages to convey and approaches to engage these stakeholders, please refer to the separate sections above: *Key Messages for Sensitization on Gender Equality and Social Inclusion*; *Unconscious Bias and Gender-Sensitive Language*; *Gender and Land Conflict Resolution*; *Engaging Traditional Authorities*; and *Gender-Based Violence and Land Documentation*.

COMMUNITY SENSITIZATION

Sensitization of communities on gender equality and social inclusion should happen as part of outreach and public sensitization about the CLA and the process to register customary land in an area. This effort should target all community members with the aim to adequately inform them about the importance of land ownership and control for women and marginalized groups and ensure that the registration process does not exclude them, even if inadvertently.

For effective and inclusive sensitization, use different types of activities: public meetings; women-only meetings; one-on-one meetings with men, women, and couples; and public campaigns with a variety of channels such as radio, drama, etc. Leaflets with additional information on the land registration process and on the land rights of women and marginalized groups should be provided to complement meetings. These should contain simple messages in local languages and use pictures as much as possible to reach people with no or limited literacy. If possible, have a gender specialist overseeing the development of materials and the delivery of sensitization activities.

PRIOR TO MEETINGS

- Start community sensitization activities at least 30 days before the start of adjudication and demarcation and the CLC elections.
 - For guidance on how to prepare meetings that reach out to all members of a community, refer to the section *Organizing Inclusive Meetings and Events* above.
- Organize separate meetings about gender equality and social inclusion, but also make sure to include related messages in sensitization meetings and conversations about the land registration process. In these more general meetings, invite gender champions and influential leaders to reinforce the message that gender equality and social inclusion are important.
- Become familiar with the information gathered about land tenure and social norms affecting how women and marginalized groups access, use, own, and control land in the area (see *Step 0. Preparation and Planning* above). This will help tailor messages to different audiences and according to matrilineal or patrilineal areas.
- Liaise with key stakeholders to ensure they are on the same page about the messages that need to be communicated on gender equality and social inclusion.
- Get familiar with key terms related to land rights, gender equality, and social inclusion in the local language. Go over the messages to increase confidence to deliver.
- Develop didactic and easily accessible materials for sensitization such as leaflets, factsheets, and frequently asked questions.
- Before sensitization meetings and activities, leave reference documents and, if possible, examples of what a land certificate looks like for men and women in the community to review. Leave those in places where men and women frequent, like religious centers and markets. Encourage discussion within families before the start of sensitization activities.

Remember!

Sensitization and awareness-raising are a continuous, rather than one-off process, so key messages should be shared repeatedly and reinforced periodically.

DURING MEETINGS

- Ensure to dress and behave in a way that is appropriate and aligned to that of the community. Avoid fancy dressing or too formal, which can increase the perception of gender equality as a Western concept.
- Ask the traditional authority to be present at public meetings to speak and encourage the participation of everyone. This will demonstrate that the gender equality and social inclusion

message is supported by influential authorities.

- However, bear in mind that the presence of influential persons such as traditional authorities, in-laws, parents, or husbands can dissuade marginalized groups like women and youth to speak out or give ideas in a public meeting.
- To create a safe space for women and marginalized groups, it is also important to organize smaller group discussions (separating men and women, and young men and young women) and one-on-one conversations.
- For public meetings, have gender-balanced facilitators. For small groups and one-on-one conversations try to have facilitators of the same gender of the target audience.
- In small group meetings and one-on-one conversations, before introducing gender equality and social inclusion which can be sensitive topics, make participants feel welcome and comfortable with light talk in a respectful and culturally appropriate manner.
- Do not show open differentiation in the way you address women and men. If the seating arrangement separates women and men – tell participants you will be speaking from the middle because it is important to give equal chance to both women and men to hear and speak to you.
 - Refer to the *Unconscious Bias and Gender-Sensitive Language* section above for guidance.
- Frame messages in a simple manner, tailored to each audience and in the local language. Avoid using technical or legal jargon. Back your messages up with real-life examples and stories related to the community. Providing examples of role models or influential people modelling desired behaviors is particularly effective. For instance, mention local leaders that openly support gender equality, or a couple where the man is adamant about including his wife on the land certificate, or women holding positions of leadership in the community.
 - Refer to the *Key Messages for Sensitization on Women’s Land and Property Rights* section above for guidance on messages to share in all meetings and conversations.
- Explain the different steps of the land registration process, highlighting how women can and should participate in each one.
- Analyze in the context how individual and joint titling could promote or hamper gender equality and women’s rights and discuss these options with the community. If relevant for the context, encourage joint holding as an option for husband and wives and emphasize its benefits.
- Clarify that peer support during sensitization and documentation is welcome: for instance, many women prefer having a friend or champion to help them navigate the system during registration.
- Conclude by emphasizing that gender equality and social inclusion is not only about numbers, i.e., having more women and marginalized groups named in land certificates. It is about their meaningful participation in local land governance and in decision making about land at the household and community levels.
- At the end of meetings, reinforce that there is further information on women’s rights to own or co-own land and property in leaflets or other materials available. Establish channels for two-way communication, so community members can ask questions and voice concerns that they do not feel comfortable sharing at the time or that occur to them later.

FACILITATION TIPS

- Cultural norms are often deep rooted: do not start a conversation by throwing the community into the deep end. Strike a conversation with a positive message that communities know and are comfortable with and prepared to hear and talk about.
- Facilitation of gender equality and social inclusion conversations should not be rushed, but rather allow community members to grasp the key messages and reflect about their own perceptions, attitudes, and behaviors. Pause often to ask relevant questions and to make sure everyone is following and engaged in the conversation.

- Pay attention to body language and unspoken reactions of the different groups.
- Use conversational and persuasive methods instead of confrontational or aggressive methods. Focus on collective gains, not losses for power holders.
- Avoid setting up women against men or actively seeking opposing opinions. Capitalize on shared thoughts and values.
- Use interactive approaches throughout the discussion, deliberately seek active participation of women and youth by soliciting answers and clarifications from them during the meeting.
- If only men are asking questions – pass on the chance to women and tell the community, you are interested in hearing from both women and men and encourage women to speak. If women are not speaking up even when given a chance, let women and men take a few minutes to discuss separately and give a group response. This helps to ensure that the meeting remains a safe space for women to share their views.

POSSIBLE NEGATIVE REACTIONS AND FREQUENTLY ASKED QUESTIONS

A number of possible arguments and responses are likely to emerge during discussions about gender equality and social inclusion. Some of these will be positive, but negative reactions to the messages delivered are to be expected as well. This is normal because some members of the community (both men and women) might want to hold on to their beliefs, perceptions, and attitudes and to maintain the status quo. Change can be difficult and uncomfortable. In particular, changes related to gender can be perceived as threatening tradition and culture and be resisted. Always encourage participants to share their views or reactions, remaining calm and confident to respond to or re-direct these reactions and focusing on the key gender messages and goals. Accommodate every opinion, even negative ones, ensuring that you respectfully correct any misconceptions or stereotypes.

Counteract perceptions that gender equality and social inclusion are “taking something away” from men and other power holders to benefit only women and marginalized groups without being confrontational. Community members are likely to identify with things they are familiar with, including elements of their culture. Give examples from their context, e.g., of local sayings that promote togetherness, examples of positive collaboration between men and women, how women’s land rights can improve resource use and benefit for everyone, protection for the future of all loved ones, etc. Give examples of role models or influential women that occupy leadership positions in the community to exemplify changes in gender norms and roles. You can also refer them to the leaflet and other materials or to the office for additional information.

Below are some commonly asked questions and/or negative reactions and suggested answers.

In our culture, men are heads of households and represents wives, are you trying to disrupt our culture?

The intention for gender equality is not to disrupt culture. By encouraging women’s inclusion and equality we are promoting healthier relationships in families and communities and that is what culture is meant to be: building healthy families and communities based on shared love and respect, , and where everyone can realize their potential. There is sufficient evidence showing that families where both men and women feel valued and participate in decision-making make significant progress in terms economic, health, and social outcomes.

Why is gender equality always about women, shouldn't we be talking about men too? There are women

The law is not selective, it is applicable to women and men, and women can include men as well. For instance, a woman who holds land can choose to hold land jointly with her husband. However, it is a fact that fewer women own land compared to men and they face specific challenges to own, use, access, and make decisions about land. Equality is not about women only, but about men and women working together, which will benefit men and women, children, families, and communities. The goal of this registration process is to promote not only gender equality, but social inclusion more broadly, identifying and responding to the needs of all people that are marginalized like youth, the elderly, people with disabilities, people living with HIV/AIDS, migrants, etc.

The perception that women are weak is not true, certainly not for every woman, just like the perception that men are strong is not true for every man. Society often uses stereotypes such as “women are weak” and “men are strong” to encourage gender discrimination. On the contrary, women can handle a lot and they aren't as fragile as often perceived. Women can and do work the land; in fact, women are responsible for producing most of the subsistence crops families rely on to eat every day. Many women in Malawi lead the farming work on their land and are able to make a living and support their families. Women are hard workers: they do several tasks that are essential for families and communities like cooking, cleaning, fetching water and wood, taking care of children, taking care of sick relatives, and tending animals. They even do all that while pregnant and carrying small children. Unfortunately, these activities both at the land and at home are often “invisible” and undervalued.

Women exercise leadership and management roles every day: they manage daily household needs and household members, often balancing multiple tasks and demands. There is enough evidence that shows that women, if put in leadership, can perform just as well. In Malawi there are many examples of women leaders in our national, district, and local government as members of parliament, minister, councillors, judges., etc. [provide concrete and relatable examples]. They have performed just as well as men.

Once divorce is agreed, it is followed by property settlement. Though under customary law there are variations in terms of divorce and property settlements, it's the man that usually keeps the property after divorce. But before the courts of law, property is to be shared fairly between the woman and man and taking into consideration the length of marriage and other factors. For long-term marriage the court presumes that the woman contributed to the land and it must be shared fairly. In case of short-term marriage, the law allows each party to keep the property acquired before marriage. Fair and equal sharing does not mean that the land is divided up, it could also mean the value of the share given to the woman is equal to the land she is entitled to. This can be in the form of money or other properties. In terms of the certificate, once divorce and property settlement is completed, the woman or man can go to the CLC to effect the changes on the certificate.

According to the law, the surviving spouse (man or woman) is entitled to remain on the land to continue living life as before. But if they choose to remarry, the woman or man loses that entitlement and should leave the land to the surviving children.

Who will take care of the household and children if women are involved in community leadership?

It is true that when women participate in community leadership, such as the CLC, they will have added responsibilities. However, these roles are not full-time and meetings can be planned to adapt to members' needs and responsibilities. Men in community leadership also have other responsibilities to balance like work and family care. Women constantly juggle multiple responsibilities so they have learned to be organized and to plan their time [provide examples of women leaders, both in the community or at the national level that are also successful mothers and wives]. Men are also able to carry out tasks in the household and childcare. In families where men and women share responsibilities inside and outside of the home, both men and women are able to thrive.

CUSTOMARY LAND COMMITTEE ELECTIONS

In most traditions in Malawi, leadership is a preserve of men, with society expecting men to lead and women to follow. However, both men and women depend on land for their livelihoods and have an important role to play in land registration and administration. The CLC administers land at the local GVH level, including land allocation and documentation. Members are elected from the community through a secret ballot and at least three of the six members should be women. This affirmative action (quotas) is an important step for a more inclusive land administration, although other efforts are needed to overcome socio-cultural barriers and to ensure that women's participation is meaningful and not just in name. Overcoming socio-cultural barriers to women's meaningful representation requires concerted efforts before, during, and after CLC elections.

ENGAGING TRADITIONAL AUTHORITIES

As guardians of local traditions and key stakeholders in the land registration process, engaging traditional authorities before the elections can help gaining community acceptance for women's leadership. Refer to the section *Engaging Traditional Authorities* above for further guidance on getting their support to gender equality and social inclusion.

SENSITIZING COMMUNITIES ON WOMEN'S LEADERSHIP

Quotas and Affirmative Action

Socio-cultural norms assign specific roles, responsibilities, and entitlements for men and women. These roles are valued differently with women being considered subordinate and men gathering greater social, economic, and political power. As a consequence, women have lower access to resources and decision-making power, and violence against women and girls becomes accepted and normalized. Gender inequality prevents women and men from sharing a level playing field. Affirmative action, which is the different treatment of women and men to address historical inequalities, helps to bridge the gender gap. Quotas for public institution are an example of affirmative action.

This can be done as part of the previous step (refer to the section *Community Sensitization* above for guidance on sensitization, facilitation tips, and answers to frequently asked questions and negative reactions).

Explain the role of the CLC, election procedures, responsibilities of elected members, and the quotas for women's participation (see box at left on affirmative action and quotas). Share the advantages of equal and meaningful participation of women in the CLC, highlighting how women possess unique perspectives and valuable knowledge about land use in the communities. A more representative land governance can bring benefits to all members of the community.

It is expected that during sensitization about CLC elections will bring out ideas about potential women that are known to the community and could be good candidates. If/when this happens, use the opportunity to ask community members if they are willing to support such women by voting for them.

MOBILIZING WOMEN AS CANDIDATES

Even with quotas, women might not feel comfortable to run in CLC elections, constrained by social, cultural, and economic factors. Women and other marginalized groups will likely need additional support and encouragement to decide to run. Several strategies can be used to mobilize, like small group conversation, conversations with couples, one-on-one conversation with women, and public

campaigns (refer to the section *Organizing Inclusive Meetings and Events* for strategies to reach women and marginalized groups). Successful mobilization of potential candidates includes:

- Understand the context by asking questions like: Why are women not participating in the leadership structures? What barriers do they face? How is a leader defined in the community? Who can be a leader and who cannot? Who are the key actors who can influence a woman to take on leadership roles (husband, father, in-laws, local leaders, etc)?
- Through interactions with community members and key stakeholders in the previous steps, identify women that are potential candidates and/or considering running in elections. However, be proactive to identify other potential candidates, avoiding further excluding marginalized sub-groups and elite co-opting.
- Approach individuals with an inviting message. Observe local etiquette and protocols (e.g., dress code, sitting arrangements, greeting manners, language), so women do not see you as an outsider with a rebellious agenda against men.
- When introducing the meeting objectives, do it carefully as this is a very delicate stage for the woman to embrace the idea. Ensure that the introduction flows in a way which keeps the woman intrigued and interested to listen until the end. For example, speak of how she can represent other women in the CLC because of her knowledge and understanding of land use, the respect and confidence that community members have in a woman like her. Avoid any statements that suggest that it is about challenging male dominance.
- Explain that women (or men) do not need experience to be a leader. Leadership skills can be learned. As women participate in leadership, they are contributing to the betterment of the community *and* learning new skills. This can only happen if women get the opportunity to be in leadership in the first place.
- Assure the woman she can receive support (not necessarily financial) throughout the entire process to build her confidence and skills to run a campaign.
- It is important that interested women are able to fill in the nomination papers appropriately and timely. Explain the requirements and process to be followed and make sure they understand it. As feasible, provide support for women to fill in nomination papers.
- Give space for the woman to ask questions, making it an interactive conversation. If her husband or other relatives are present in the conversation, take the opportunity to answer their questions and dissuade any concerns they may have.
- Before ending the conversation, ask the woman her position. Do not force a response. If the woman is not able to respond there and then, give her more time to reflect and follow up later. If she does not agree to run for elections, express respect for her decision and offer to follow up in case she changes her mind.

Dos and Don'ts

- Don't rush into identifying women before understanding the context.
- Don't embark on mobilization activities before engaging key stakeholders.
- Do meet women for one-on-one conversations but also with their husbands and families to gain their support and avoid potential retaliations and GBV risks.
- Do encourage women but don't push them to agree if they are not comfortable.
- Don't dismiss the opinions of the woman, hear her interests, needs and fears.
- Do offer support but be careful not to over promise.

GENDER-RESPONSIVE ELECTORAL CODE OF CONDUCT

In addition to sensitizing traditional authorities and community members and mobilizing women, it is important to promote an electoral environment that is inclusive, transparent, and fair. The electoral

code should define rules for campaigning (and penalties for breaking those rules), candidates' behavior on voting day (including unfair behaviors and related penalties), safeguarding and counting of votes, and announcing results.

During elections, electoral rules are often not strictly followed, favoring men who mostly hold the power and influence over resources. Most electoral officials are men, and this in itself can be intimidating to women candidates. Work with the relevant authorities to ensure that the electoral process is conducted in an orderly, legal, and fair manner that promotes inclusive participation and protects women and other marginalized groups.

Encourage the adoption of measures to regulate campaign tactics to prevent gender-based violence and direct or personal attacks on individuals. The most common issues that disadvantage women's participation is the risk of gender-based violence in the form of insults, derogatory remarks, undermining language, rumors, intimidation, threats of violence, or even physical attacks in the electoral competition.

Timelines for voting should be clear and communicated to all in the community. Have extended periods available for voting so women can accommodate their household and caring responsibilities. Voting centers should be accessible and in locations that do not preclude women to attend due to social norms and safety concerns.

CLC GOVERNANCE PROCEDURES

CLCs are governed by set procedures and regulations. Ensure that these regulations support gender and social inclusion both at the set-up stage and as the committee functions in the future.

Regulations should be developed in a participatory way, consulting different groups, including women, youth, and other marginalized groups. Having a time limit to tenure and restrictions on how many consecutive terms people can hold ensures that different people can hold positions and avoids one person or group holding on to power indefinitely. Make sure the language used throughout the regulations is gender neutral and explicitly includes women and female pronouns (for instance, "chairperson" instead of "chairman"; "he/she will..." instead of "he will", etc.). For internal CLC voting procedures, consider whether majority vote or consensus vote can negatively impact certain groups of population that might be under-represented or unable to attend all meetings.

Challenges Faced by Women in Community Elections

- Low self-confidence and self-esteem stemming from growing up believing they do not belong in decision-making spaces and cannot compete against men for leadership positions. Women often do not see themselves as leaders or potential leaders.
- Real or perceived dependency on men to make decisions on whether or not to run for elections.
- Competing time demands due to disproportionate share of household and unpaid care responsibilities.
- Fear of backlash and gender-based violence if they decide to run for positions and/or win the elections, including physical violence, socioemotional violence (such as rumors, verbal offenses, and ostracism), sexual violence, and economic violence.
- Lack of decision-making power over their own vote, having to instead follow the votes of their husbands, fathers, or other relatives.
- Gender-insensitive nominations processes can disadvantage women and other marginalized groups, for instance through criteria such as minimum education level, merited popularity, etc.
- In trying to meet their needs at household level, women can be vulnerable to electoral malpractices, e.g. exchanging their vote for cash or goods.
- Lack of financial resources and political capital to effectively campaign. Elections tend to favor candidates with financial means and connections, who are usually men.

FIELD ADJUDICATION AND DEMARCATION

Field adjudication and demarcation involve the collection of geospatial data and ownership data about individual parcels of land. It is extremely important that women and other marginalized groups actively participate in this step, since women are traditionally less likely to own land and land registration efforts can inadvertently exclude women from land they have accessed and used through customary practice. Develop and use technologies and land survey and measurement techniques that are participatory and low cost, as well as easy to be used by women. Ensure they can be managed in the field by lower qualified and often less educated data collectors and para-surveyors. Engage gender-balanced teams to conduct demarcation and adjudication.

PARCEL DEMARCATION

- Schedule demarcation at times that work best for women and other marginalized groups, bearing in mind any mobility restrictions and competing responsibilities.
- Encourage the presence of both spouses and/or other relevant adults in the household during demarcation of parcel boundaries.
- In the case of unclear boundaries requiring a walk around the parcel, encourage joint participation of spouses and/or other relevant adults in the household.
- Be mindful of explicit and implicit intra-family conflict, including gender conflict and generational conflict. Also be mindful of inter-family conflict, especially between neighbors.
- In case of disputes over parcel boundaries, document the nature of the dispute, i.e., if it is a gender or age-related dispute or not.
- In the case of gender-related disputes, provide advice and counseling to the disputing parties and use the opportunity to promote awareness on gender equality and social inclusion.
 - Refer to the *Key Messages for Sensitization on Gender Equality and Social Inclusion* section above for further guidance.
- Refer gender-related disputes to a gender and social inclusion specialist.
- If you witness or suspect someone in the family is experiencing physical, emotional, social, or economic gender-based violence, report it to your supervisor or designated focal point.

ADJUDICATION

- Review data collection tools, enumeration techniques, and enumeration scripts to remove potential gender biases.
- Encourage the presence of both spouses and/or other relevant adults in the household during collection of data about landowners.
- Ensure that both men and women understand basic land and inheritance rights under the CLA and what their land rights are, both if they are titleholders and if they are not. Provide the necessary clarifications in case of informal unions and/or polygamous unions.
- Ask questions about what family members use which parts of the land and how.
- Following legal and customary provisions, employ a broad definition of the term spouse and do not require overburdening proof or documentation.
- In areas where birth recording is precarious, especially for women, explore alternative proof of identity or rely on a system of public notice and comment to verify claims.
- Record sex, age, marital status and type of marriage, relationship to other members of the household, and other relevant data for every landholder/joint landholder.

- It is not recommended to force joint registration. However, based on context appropriateness (i.e., if it promotes gender equality and women's land rights), present it as an option and actively encourage it, emphasizing benefits for husbands and wives.
- Provide incentives for joint titling as applicable in the context.
- Where joint titling is not feasible or strongly resisted despite sensitization, adopting registration of interests could improve women's access to land and tenure security.
- Make sure forms include space for joint documentation and to record people who have an interest in the land, so that spouses, children, and other members of the household have their rights documented. This approach also creates an opportunity to recognize multiple spouses in polygamous relationships.
- Provide space for asking questions and solving doubts throughout the data collection.
- Ensure that any established conflict resolution mechanism and process is gender-responsive, for example by including anonymous and easily accessible complaint mechanisms and ensuring support to vulnerable and marginalized parties.
- In case of disputes, document the nature of the dispute and whether it may be gender related (for example between spouses or male and female siblings on family land, or between a male and a female neighbor). Refer gender-related disputes to a gender and social inclusion specialist.

DISPLAY OF MAPS AND DATA FOR VERIFICATION, OBJECTIONS, AND CORRECTIONS

After data boundary and ownership data are collected, processed, and verified for quality control, maps of parcels in a GVH and parcel index are produced. Parcel boundaries and ownership information are displayed for community members for verification. This allows community members to review the boundaries of parcels and the landowner information to make objections and ask for corrections. Community members must review their own information and are invited to review the information of their neighbors.

This step is important for women and marginalized groups to check the data and make objections and corrections, especially if they were not able to participate in the adjudication and demarcation. It could present a final opportunity in the land registration process to have women included in the certificate. Because women may not be traditionally recognized as landholders and may be excluded from the decision-making process at the household level, information provided during previous steps may not have been shared with them or they may have not been consulted.

The process can also provide an additional opportunity for one or more facilitated meetings in the community. The role of the facilitator is to ensure that all data is correct and that women and marginalized groups have a chance to check all the parcels and the details of names registered for any concerns. Similarly, men should be supported to use this step to make changes if they want to include their spouse or children in the land certification. Men who may have not been willing to include their spouse and children on the certificate at first may have realized the importance to do so after additional sensitization or after seeing relatives and neighbors including their wives. Measures to ensure inclusive map display, objections, and corrections are detailed below.

Messages for additional sensitization during objections and corrections

- Women may not be able to rely on their family or their husbands' family to protect their rights. To secure the rights of children and ensure that the labor that a woman has put on the land is recognized, it is important to ensure that their rights are documented.
- Women have the right to be included in land certificates, either alone or jointly.
- Secure land rights for women can increase benefits for the family, increasing agricultural productivity and nutrition and economic wellbeing. If women are included, everyone wins.

DISPLAY OF MAPS AND DATA FOR VERIFICATION

- Post and display village parcel map and the village parcel index at places where women are likely to be, like clinics, schools, markets, or religious centers. Ensure that the meeting area has space enough to allow for a private conversation for women who may want to talk to a staff member away from the rest of the people present.
- Specifically instruct the community on the requirement for women and men to review the map and index.
- Directly notify women about public display and provide further information on what is expected during this step and how to record objections and corrections.
- Reach out to members of the community that are unable to verify information publicly displayed due to physical, social, or cultural mobility constraints like the elderly or people with disability.
- Allow women and marginalized groups time and support to think and work through the map.
- Provide additional support to those unable to read or understand maps and written information.

- Ensure that other marginalized populations, such as elderly people who live alone, orphans, and people with disabilities, have the chance to verify the map and index.
- Allow for group review, particularly for women who might feel more comfortable to have peer-support.

OBJECTIONS AND CORRECTIONS

- Invite women leaders to facilitate objections and corrections meetings.
- Provide men and women with the following information:
 - All community members are free and welcome to flag any issues they encounter and raise objections. They can also ask questions and clarify issues with CLC members and facilitators.
 - Married men and women can attend with their spouses to confirm the parcels, but women are free to come on their own or with a trusted relative or friend.
 - Within the allocated dates and time, community members are free to pick any time suitable to visit the records and confirm or correct them.
 - A landholder is free to correct the record or make changes, with the agreement of other joint landholders. Individuals are free to add their spouse or children if they wish or even to change persons they included earlier.
 - Women are free to raise it with the CLC and if they do not feel comfortable, they can speak to the data processors or other staff involved in the registration process.
- Provide an alternative call-in number or a gender focal point who can accept inputs from people who might be uncomfortable or unsure about filing objections.
- Provide training for staff involved in land registration to make sure that any changes suggested by only one spouse are not considered. Consult both spouses (and other relevant members of the household) for all corrections and obtain express agreement of all parties.
- Record objections and revisions suggested by men and women separately.
- Document gender-related conflicts and disputes, including types of conflicts and results, disaggregated by sex, age, and other relevant criteria. Refer these disputes to a gender equality and social inclusion specialist or similar focal point.

Key Concerns for Facilitators During Objections and Corrections

What if men are not willing to include women?

That decision is entirely up to each individual and should not be forced. As a facilitator highlight the benefits of including women for the family, focusing on collective gains, and emphasizing it is not a winner/loser situation. Emphasize how land ownership can protect women and children in case of spouse death or divorce. Find role models and champions within the village who are open to including women as landholders. Cite their example and praise them publicly.

What if women are not interested in being included?

That is very possible and common. Efforts to inform women about the process and the benefits may not result in immediate willingness to claim their rights. What is important is that women have received information and had the opportunity to be part of the process and they can decide what to do or to be included or not. If women are not forthcoming, attempt to understand the reason why and record that information for future learning. In some cases, they may be concerned about potential backlash from their husband or other family members. They could also feel more comfortable including their children as landholders to help secure their rights over the long term.

DISTRIBUTION OF CERTIFICATES

- Have traditional authorities present to validate certificate distribution, increasing local acceptance and valuing of certificates.
- During certificate distribution, reiterate rights and duties attached to land ownership for all landholders.
- Communicate widely that all landholders should be present during certificate distribution.
- Ensure both spouses are present at the time of distribution of certificates, for example by offering incentives for couples with both names in the certificate, like being able to get their certificate first.
- Ensure that certificates are distributed at a place, date, and time that enable women and other marginalized groups to attend.
- Record the number of certificates issued to men and women (individually and jointly).
- Capture gender-related experiences and stories that speak to success in promoting land rights for women and marginalized groups.

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