



# AWARENESS-RAISING ABOUT GENDER AND SOCIAL INCLUSION IN RESPECT OF LAND

**BRIEFING NOTE**  
DECEMBER 2021

## ISSUES

*Photo: A group of Hmong women joining a legal awareness activity on land and environment organized by youth volunteers from LIFE project in Namtha district, Lungnamtha province (Photo by LIWG)*

In recent decades, Lao PDR has made **many advancements in policy regarding women's rights and gender equality**. These are reflected in the current Constitution, the Laws on the Development and Protection of Women, Gender Equality Law and many other elements of Lao policy; it can even be seen in the establishment of organizations such as the Lao Women's Union (LWU) and the National Commission for the Advancement of Women and Mothers-Children (NCAW-MC), which are contributing greatly to the protection and empowerment of women from all backgrounds in society.

Many of these advancements are also reflected in the land sector. For example, statistics from previous World Bank and GIZ Land Titling projects have shown

that more than **60 percent<sup>1</sup> of Land Titles have been issued in the name of women, or as conjugal property of both husband and wife.**

However, in rural and remote areas of the country, the **knowledge and implementation of such law and policy advancements is often lacking**. Women, especially those whose primary language is not Lao, often **lack knowledge about their rights to land**, or their role in land-related matters such as land transactions, leases or mortgage arrangements. Local organizations, such as the District Lao Women's Union, charged with the task of raising awareness on gender related topics, are often **lacking adequate funds or capacities** to effectively implement such campaigns.

<sup>1</sup> Land Program Impact Study (GIZ, 2018 unpublished); Project Performance Assessment Report – Second Land Titling Project (World Bank, 2013)

Within the government itself – from central to local levels – **women in the land sector are greatly under-represented**; the vast majority of official positions, especially at high-ranking levels, are occupied by men. This adds to the disproportion of voices within government to advance women's rights to land. Currently, the Ministry of Natural Resources and Environment (MoNRE) also **lacks any specific internal policy or strategy to improve gender-related aspects**, such as a sectoral gender action plans or strategies.

Technicians from local departments who are implementing land management activities, often **lack specific guidance on how to properly involve women**, or to enhance awareness-raising with a gender focus in all aspects.

The current legislation relating to land also presents some issues related to gender; the new Land Law of 2019 omitted any specific mention of women's rights to land, relying on other parts of the legislative framework to cover these aspects. This creates a potential void, which is also contrary to international best practice.

Pieces of legislation that mention provisions for women mostly refer to the rights of husbands and wives, while **omitting specific provisions, such as co-ownership, for women who are not in formal marriage relationships**, or the **requirement for the consent of both co-owners** in cases of land transactions, mortgages or compensation payments when land is expropriated.

## BACKGROUND INFORMATION

In January 2020, the Law on Gender Equality was promulgated. The law “determines the principles, regulations and measures on the management, monitoring and inspection of gender equality affairs.” According to this recent law, all government organizations, including ministries and their sub-national line agencies, are obligated to create gender action plans, disseminate, educate and raise awareness about gender equality, and generally to empower women in their respective organizations (Articles 26-29 Law on Gender Equality). Respective sectors are required to provide budget for actions related to gender equality and for the purpose of implementing the gender equality policy (Art. 46 Law on Gender Equality, Art. 6 State Budget Law).

While some pieces of sub-legislation in the land sector make mention of gender-specific aspects – such as the Ministerial Direction No. 6036 on Land Registration (draft revision, September 2021, MoNRE), which mentions the specific requirement for separate meetings of men and women in land registration activities, or the Ministerial Decision 0672 on the Land Register and Title Content, which states that the names of the husband and wife are to be recorded on the Land Title for matrimonial land – the scope of gender-related issues in land is broader and requires more attention.

Provisions in other legislation, such as the Lao Civil Code (2020), are often referred to in questions regarding women's land rights. However, these are drafted generically and make no specific reference to land. The provisions relating to equal rights between men and women in the Civil Code, for example, does not take into consideration the fact that women can be allocated land independently of their marital status, or that, in reality, it is mostly men who deal with land-related matters as the “head of the household”. A recent study has shown that, in some communities, women have access to land only through their husbands and thus through marriage.<sup>2</sup>

The importance of specifically mentioning gender and diversity, also in sectoral legislation, is related to the level of understanding among the government officials who deal with these issues in their administrations and with communities; they may not be familiar with all relevant laws and policies outside of their sector and need specific guidance with a focus on their areas of responsibility, especially in order to disseminate the right information and to raise awareness.

**Enhanced public awareness-raising and meaningful participation could significantly contribute to a reduction of gender-related issues in both urban and rural areas.**

<sup>2</sup> Somphongbouthakanh, Phetsakhone and Loes Schenk-Sandbergen (2020). Women and Land Rights in Lao PDR: Rural Transformation and a Dream of Secure Land Tenure. Land Information Working Group





Photo: A group of women contributing to the “River of Life” activity to identify changes in the community, organized by youth volunteers from LIFE project in Viengthong district, Bolikhamxay province (Photo by LIWG)

## RECOMMENDATIONS

Based on the above-mentioned issues and background information, the following recommendations are made to policymakers and implementers:

- 1.** Implement provisions of the Gender Equality Law by developing policies and strategies to alleviate gender-related issues, including:
  - a. providing greater means to disseminate, train and raise awareness and understanding about gender-related aspects related to land;
  - b. enabling greater representation of women from all backgrounds in the land management sector at all levels;
  - c. collecting and transparently providing gender-disaggregated information, data and statistics relating to land;
  - d. creating an effective relationship with the National Commission for the Advancement of Women and Mothers-Children to support close collaboration to improve the response to gender-related issues within the land sector.
- 2.** Ensure that awareness-raising materials and campaigns are prepared and made accessible to all ethnic groups, in their individual languages; women from some ethnic groups may lack Lao language skills to adequately participate.
- 3.** Ensure that sub-legislation related to specific elements of land governance (Land Use Planning, Forest Management Planning, activities related to Land Investment, and Land Conflict Resolution) makes specific mention of involving women – if required in separate events/meetings, facilitated by female technical officers.
- 4.** Expand the possibility of husbands and wives being included on the Land Title as co-owners to people in non-marital relationships.
- 5.** Introduce provisions to require the consent of both husbands and wives / co-owners in land transactions.



This Briefing Note was commissioned by the Land Information Working Group (LIWG) and jointly developed through the Land Law Advisory Group, including independent consultants and the following projects and organizations: the Food and Agriculture Organization of the United Nations (FAO), Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), the Mekong Region Land Governance project (MRLG), the Center for People and Forests (RECOFTC), the Wildlife Conservation Society (WCS) and the World Wildlife Fund (WWF).

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**Full Citation:** Derbidge, J. (2021). *Awareness-raising about Gender and Social Inclusion in respect of Land*, Briefing Note #4. Vientiane: LIWG.



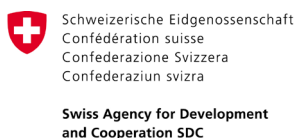
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