



ASSESSING HOUSING, LAND, PROPERTY AND NATURAL RESOURCE TENURE ISSUES FOR DISPLACEMENT-AFFECTED WOMEN

A Generic Questionnaire

March 2021

<p>Purpose</p>	<ul style="list-style-type: none"> • Every displaced person is likely to experience a violation of their HLP and natural resource rights at some stage during displacement. Even outside of displacement, many women face disproportionate risks to and obstacles to accessing and defending their HLP and natural resource rights. Displaced women are all the more vulnerable, and HLP-related issues can present obstacles to and opportunities for the effective delivery of humanitarian assistance, protection of human rights and the achievement of solutions. It is therefore important to ensure a gender sensitive assessment of HLP and natural resource-related challenges. • The following list of generic questions could be used to inform the design of a gender-sensitive HLP assessment or the HLP section of a more general assessment (e.g. Rapid Needs Assessment). • The results of such assessments would be aimed at identifying needs and informing the development of programmes to contribute to the protection of HLP rights in conflict/displacement and natural disaster contexts, especially tailoring assistance to the unique needs of women.
<p>How to use this document</p>	<ul style="list-style-type: none"> • The questions should be adapted as necessary to fit local/regional/national contexts. They should also be revised according to the type interviewees (e.g. IDPs, community leaders, authorities). • The questions are divided into the different phases of displacement for easy reference, although there is an overlap between these phases in reality. • Before assessing HLP issues, it is essential to first take the time to understand the basics around the HLP regulatory frameworks and institutions in a country (including potential historical HLP-related grievances).

<p>Additional information and support</p>	<ul style="list-style-type: none"> • Resource Equity research consortium for the collection, sharing, and exchange of knowledge on how to effectively advance women’s land rights. Please use their helpdesk for questions related to research methodologies and implementation best practices! • Landesa’s Center for Women’s Land Rights • International Land Coalition – Women’s Land Rights • Land Portal - Land & Gender • What Works for Women's Land and Property Rights? What we know and what we need to know (English, Francais, & Espanol) • Conceptual framework for land tenure security for women <p>For support with the design of HLP-specific assessments or an HLP section in general assessments, please contact the current Global HLP AoR Coordinator.</p>
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Please note that this is a working document that will be updated and revised as needed. Any suggestions and comments are welcome and can be shared with the current Global HLP AoR Coordinator.

HLP SITUATION DURING EMERGENCIES OR PROTRACTED DISPLACEMENT

1. What laws or rules (ex: national laws, religious and customary norms, court practice etc.) are used here for regulating tenure arrangements over HLP and natural resources essential for women’s health and livelihoods (such as water, fuel wood, and etc.)?
 - a. Is the scope of rights and responsibilities regarding HLP and natural resources the same for men and women, or different? How? Why?
 - b. How do these rules affect displaced peoples? Are there efforts to adapt/change these rules to accommodate the influx of displaced populations?
2. Are there barriers for displaced women-headed households (WHH), single women (or widows) to access adequate housing and/ or land for settlement? If so, what are these barriers?
 - a. Can single women or widows negotiate tenure arrangements with landowners/host community rights-holders? If not, who is negotiating tenure arrangements for them?
 - b. What impacts does the single women`s (or widows`) participation/exclusion from negotiations on tenure arrangements have on their personal safety, livelihoods, and security of tenure?
 - c. Is there a difference if single women (or widows) have children, or have no children with her?
 - d. What about married women whose husbands are not with them?
3. For displaced peoples sheltering in abandoned/public buildings, what are the unique challenges faced by women and men? Do either of these groups experience security of tenure differently? If so, how?
4. Do WHH, single women (or widows) have access to adequate livelihoods to pay for rent, utilities, and other essential needs? How does this affect their strategies for what kind of shelter they will choose/use?

5. Are married women included in the negotiations on tenure arrangements with landowners/host community rights-holders?
 - a. What impacts does the married women's participation/exclusion from negotiations on tenure arrangements have on their personal safety, livelihoods, and security of tenure?
 - b. If only the male HoH participates in negotiating the tenure arrangements with the landowner, does the agreement still apply for his wife if he dies/leaves for another area for work/abandons the household?
 - c. If tenants who are married get divorced or separated, who retains the rights to stay in the rental unit?
 - d. Does any of the above vary for couples whose marriages are registered, and couples whose marriages are not registered?

6. If tenure agreements are written, whose name(s) are represented on the agreement?

7. Who usually has rights to the house and/or land used for the settlement of displaced populations?
 - a. Are any of these host-community rights-holders women? Are they being consulted in the decisions over how this land/house will be used?
 - b. If the landowner is a woman, what impacts does her participation/exclusion from these decisions have on her personal safety, livelihoods, and security of tenure?
 - c. If the landowner/representative is a woman, what are the unique issues that she faces when dealing with tenants/occupants?

8. What are displaced and host community women's tenure relationships to the following natural resources?
 - Water for domestic consumption
 - Fuel for cooking (trees, dung, charcoal)
 - Land for agriculture / pasture for animal raising
 - Naturally-available foods, fodder, medicines, and products which can be transformed into household or commercial items (reeds for making mats, baskets, etc)?
 - a. How are these tenure relationships being affected by displacement? Are these resources being effectively managed/conserved?
 - b. Are women from different social categories meaningfully included in the management of these resources?

9. What are unique protection risks faced by displaced and host community women related to their tenure arrangements? E.g. GBV, detention, discrimination, marginalization, other (please specify)
 - a. If disputes arise over unpaid rent, do the tactics that landowners or their representatives use to get payment/attempt to evict differ if the head of household is a man or a woman? What are these differences, and what risks do they present to occupants?
 - b. Does the incidence of intimate partner violence increase when tenure is precarious (i.e. if there are threats of eviction)?
 - c. Are women sheltering with host families more likely to experience SGBV at the hands of their host family because they do not wish to put their security of tenure at risk?

10. What if there are conflicts/disputes emerging over HLP and natural resources?
 - a. What institutions have the capacity and legitimacy to resolve different types of HLP and natural resource disputes?

- b. Are there certain types of laws/dispute resolution institutions or practices that better protect the rights of women? Are women aware of these institutions and resources?
 - c. Are there certain types of laws/dispute resolution institutions or practices that discriminate against women?
 - d. Are there specific barriers to justice for displaced women versus women from host communities? Are there any other intersectional identities that might play a role (from a vulnerable caste, class, or identity group)?
11. Amongst the humanitarian shelter, camp management, WASH, food security, and protection projects (that rely on access to HLP), what approaches are they using to address the unique tenure needs of women?
- a. Are there services which provide women with counselling and legal assistance tailored specifically to their needs?
 - b. Are there well-established referral mechanisms between these legal assistance services and specialists in SGBV care, counseling, and protection?

HLP SITUATION IN AREA OF ORIGIN

This set of questions are for gathering key information about the HLP situation in the area of origin (to be asked during the displacement). Understanding this situation as soon as possible after displacement has occurred is important to prevent HLP-related issues from becoming obstacles for future returns or enjoyment of HLP rights. The HLP situation in areas of origin may also cause pull factors and result in premature returns and it is, therefore, essential to monitor this.

1. What laws or rules (ex: national laws, religious and customary norms, court practice etc.) are used in the place of origin for regulating tenure arrangements over HLP and natural resources essential for women's health and livelihoods (such as water, fuel wood, and etc.)?
2. Is the scope of rights and responsibilities regarding HLP and natural resources the same for men and women, or different? How? Why?
3. Who in the family makes decisions about:
 - a. Buying, selling, or renting land? Why?
 - b. Buying, selling, or renting a house? Why?
4. What does it mean for someone to "own" housing, land, property and natural resources in the place of origin?
 - a. Are there any women who own a house or land? If yes, how common is this?
 - b. If yes: Does she own it fully herself or with others? Does she have the right to use /rent/sell it on her own? Does she need the approval of male relatives in practice? Who receives the money?
 - c. If a woman owns a house or land before she gets married, does she still keep ownership after marriage (i.e., is she still able to make decisions about how to use that property)?
 - d. Who owns the things inside the home (ex: furniture, cooking items, etc.)?
 - e. What happens if a man has more than one wife? Does each get their own house?
 - f. Are there situations where people are considered to be 'property' – and if so, in what circumstances, and what are the effects on the person that has that status?
5. Are there any common resources in the area of return (pasture, fisheries, forests/woodlands, wetlands)? If so, who are the rights-holders to these resources?

- a. How are they governed?
 - b. What role do they play for local health, food security, and livelihoods?
 - c. How has conflict and displacement affected these dynamics?
6. Can widows and daughters inherit houses and land? If yes, does this often happen? Why or why not? Will they receive houses/land, or some monetary equivalent instead?
- a. What are the usual practices relating to women and inheritance?
 - i. Do they receive their share of the physical property?
 - ii. Do they get immobile property such as a car or money in exchange of their share remaining with male relatives? If so, is the compensation of the same value?
 - iii. Any other ways?)
 - b. Is the situation different for single women, widows, or WHH? If yes, how and why?
 - c. How can women claim the inheritance? Can she receive the inheritance if she missed the distribution of inheritance because she was displaced?
7. If a couple divorces, who has to leave the house / parcel of farmland?
- a. Is this law, religious law, custom, etc.?
 - b. What does the person who leaves get to take with them?
 - c. Does this vary if the marriage is officially registered?
 - d. Does this vary if there are multiple wives?
 - e. Does this vary if the HLP asset has official documentation?
 - f. Who can the husband/wife go to for help if they don't want to leave?
 - g. Were these practices the same before the displacement event?
8. If a woman becomes widowed, what happens to her various tenures?
- a. Can she stay in her home, or does she have to leave?
 - b. Can she continue farming land, or does he have to hand it over to another family member?
 - c. If she leaves, where does she go? What is her safely net?
 - d. Does this vary if the marriage was officially registered?
 - e. Does this vary if there are multiple wives?
 - f. Does this vary if the HLP asset has official documentation?
 - g. Who can women go to for help if she has a problem with her husband's family?
 - h. Were these practices the same before the displacement event?

HLP ISSUES IN THE CONTEXT OF RETURN AND REINTEGRATION

1. What mechanisms are in place to facilitate the restitution of or compensation for HLP and natural resources that were lost during the war?
 - a. Do these mechanisms have dedicated approaches and resources in order to ensure that women are able to equitably access this restitution/compensation?
2. Have people's rights to housing, land, property, and natural resources changed since displacement?
 - a. Has the conflict and displacement affected the way women are able exercise their rights over HLP and natural resources? How and why?
 - b. Has the conflict and displacement affected the way men are able exercise their rights over HLP and natural resources? How and why?

- c. Have these resources (such as water, fuel for cooking, pasture, farmland, and naturally-available foods, fodder, medicines, and products) been damaged or degraded by the conflict/disaster? If not, are these resources being effectively managed/conserved?
3. What if there are conflicts/disputes emerging over HLP and natural resources?
 - a. What institutions have the capacity and legitimacy to resolve different types of HLP and natural resource disputes?
 - b. Are there certain types of laws/dispute resolution institutions that discriminate against women? Or against women from specific social groups?
 - c. Are there certain types of laws/dispute resolution institutions that better protect the rights of women? Are women aware of these institutions and resources?
4. What kind of HLP and natural resource related disputes are mostly affecting women? Men? Both?
 - a. If a woman is not with her husband and goes home, can she get her HLP or natural resources back? Why or why not?
 - b. If a widow goes home, can she get her HLP or natural resources back? Why or why not?
 - c. If a divorced woman goes home, can she get her HLP or natural resources back? Why or why not?
 - d. How are the effects of these disputes being experienced differently?
5. Amongst the humanitarian shelter, camp management, WASH, food security, and protection projects (that rely on access to HLP), what approaches are they using to address the unique tenure needs of women?
 - a. Are there services which provide women with counselling and legal assistance tailored specifically to their needs?
 - b. Are there well-established referral mechanisms between these legal assistance services and specialists in SGBV care, counselling, and protection?