

**Research on The Impact of Land Rights Reforms Within the Household,
Especially for Women in Men-Headed Households in Kyrgyzstan**

Gulzat Namatbekova



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I. Introduction

One of the most important rights achieved in the course of economic reforms in the Kyrgyz Republic is the right to own land. In the post-Soviet period of the late 1990s, 75% of all arable land was allocated, first for long-term use (for 49 years, then for 99 years) and then transferred from long-term use to private ownership of rural residents.

During the initial land reforms, more than 1 million hectares of agricultural land were distributed, and more than 2,694,800 people received land shares (KAFLU, 2015). Additionally, in the period from 2004 to 2007, by the Resolutions of the Parliament of the Kyrgyz Republic, at the expense of land plots of the Agricultural Land Redistribution Fund, 29.4 thousand additional hectares of land shares were provided free of charge in four tranches to 82,740 citizens of the Kyrgyz Republic who had the right to receive a land share, but did not receive it in the first instance for various reasons (Kyrgyz Republic, 2009)

As a result of the land reform, more than 52% of the almost 5 million population of the republic, or about 530,000 families, received land allotments; each receiving certificates of the land use right, and then of ownership. The certificates indicated all family members, including underage children. Land shares were distributed among 2.6 million people, approximately half of whom were women (FAO, 2016). By the time of the 2002 agricultural census, 12% of farms were registered to women, women owned 9.2% of the total arable land and 9.3% of the acreage (FAO, 2016). There are currently no similar data on agricultural land, but according to a survey, by 2012 almost 60% of rural women reported that they do not own any land (FAO, 2016).

Based on the results of the system registration of land allotments, 1,324,128 units of immovable property (land plots) were registered as of January 1, 2008 (World Bank, 2009). Accordingly, 1,324,128 Certificates of the Land Right Use (ownership) were issued, in which more than half of the owners of land allotments were women.

The land reforms created landowners but with regional variation. The average size of arable land in farming household in Kyrgyzstan is only 2.7 hectares, including 1.9 hectares of irrigated arable land. Farmers in the north received more arable land than in the south: 5.7 hectares (irrigated 4 hectares) in the north and 1.2 hectares (irrigated 0.7 hectares) in the south (Kyrgyz Republic, 2013).

As of 2018, according to the Statistical Committee, from 2014 to 2018, the percentage of women employed in agriculture, forestry, and fisheries decreased by 3% (Statistical Committee, 2019). It may also be caused by the land loss of women, due to the loss of property rights, etc. The permanent population of the Kyrgyz Republic, as of January 1, 2019, was estimated at 6 million 390 thousand people, including 3 million 220 thousand women, which is slightly over 50% of the total population. The distribution of the population by gender in the Republic is heterogeneous. In urban settlements, the proportion of women exceeded that of men and amounted to 52.4%. In rural areas, where the birth rate is higher, the number of men makes 50.7% (Statistical Committee, 2019). As of January 1, 2019, 441,330 people are officially registered as heads of farming households and individual entrepreneurs (in fact, heads of households), of which 92,364 are women, which is approximately 21.0% (Statistical Committee, 2019).

Analysis of official statistics and research shows that, although nearly half of landowners were women at the time of land reform, there is a clear pattern that women landowners are decreasing in number over time. In this connection, the purpose of this study is research on the impact of land rights reforms within the household, especially for women in men-headed households in Kyrgyzstan:

- Analysis of the legislation of the Kyrgyz Republic that ensures women's land rights granted in the process of land reform.
- Research, identify and generalize common patterns of causes and factors contributing to women's land loss and loss of ownership of land allotments, because of land reform in relation to women's land rights within the household, especially for women in male-headed households.
- Develop recommendations for improving the protection of women's land rights in legislation, policy, and programming

II. Legislation of the Kyrgyz Republic Regulating Women's Land Rights

The normative legal acts of the Kyrgyz Republic adopted during the land reform regulate legal relations in the sphere of land use and are of a sustainable nature. All the adopted normative acts in the implementation of land reform can be divided into 3 stages.

Stage 1 (1991-1998)

- Decree of the President of the Kyrgyz Republic "On measures for the further development and state support of land and agrarian reform" (1992) - provided for the voluntary formation of unprofitable enterprises by employees of independent private farms and was the beginning of the transition to market principles in land and agricultural relations. The creation of such farms was ineffective and the process was very slow (UN ECE, 2010).
- Decree of the President of the Kyrgyz Republic "On measures to deepen land and agrarian reform in the Kyrgyz Republic" (1994) - aimed at in-depth land and agrarian reform. The right of citizens of the Kyrgyz Republic who live and work in rural areas, as part of collective and state farms, to receive a share of agricultural land was introduced. Citizens of the Kyrgyz Republic became owners of the right to use a land plot (allotment) for a period of 49 years with the possibility of extending the term of use. In accordance with this decree, 75% of agricultural land transferred to ownership (Murzabekova & Kazanbaeva, 2016)
- The regulation "On the procedure for determining the land shares of citizens and issue of the Land Right Certificate" (1994) - determined the list of citizens having the right to get land allotments. The Land Right Certificate is a title confirmation document for the land user (household). Family members are listed in the Certificate by their names and size of land allotments as well. The land share was provided to each family member and in equal shares.
- Decree of the President of the Kyrgyz Republic dated November 3, 1995 N-297 "On measures for the further development and state support of land and agrarian reform in the Kyrgyz Republic" - the previously established maximum period of land use (49 years) was extended to 99 years.

Stage 2 (1998-2009)

- The law of the Kyrgyz Republic "On amendments to the Constitution of the Kyrgyz Republic" - one of the first laws passed in the post-Soviet era, established private ownership.
- The Land Code of the Kyrgyz Republic (1999), in a new version, also established the right of private ownership of land.
- The law of the Kyrgyz Republic "On the introduction of the Land Code" - provides for the recognition of the right to private property free of charge and without additional registration and documents the right to private property for citizens who own land allotments.

- The law of the Kyrgyz Republic “On agricultural land management” (2001) - established the conditions and procedure for transactions with land allotments and became the legal basis for transactions with agricultural land, including inheritance. The first version of the law provided for significant restrictions on transactions: owners (buyers) of agricultural land can only be citizens of the Kyrgyz Republic who have reached the age of 18 and have permanently lived in rural areas for at least two years.¹ Land shares can only be bequeathed to one heir. In this case, the heir must meet the requirements for the buyer of agricultural land.² Land shares were not subject to donation and could only be exchanged within the boundaries of a single Village Council.³ Land shares could be pledged,⁴ but in fact this rule did not work, the banking sector was not interested in this financial product, given the narrow circle of owners of land shares.
- Civil code of the Kyrgyz Republic (1999) introduces in chapter 10-1 “Ownership and other property rights to land.” In accordance with which land plots are recognized as objects of purchase and sale “land plots can be alienated or transferred from one person to another to the extent that their turnover is allowed by the land legislation of the Kyrgyz Republic.”⁵
- The law of the Kyrgyz Republic “On state registration of rights to immovable property” (1999) provides for mandatory state registration of rights to land shares. These rights become effective only from the moment of state registration.
- Resolution of the government of the Kyrgyz Republic “On the issuance of documents of title to land for agricultural entities” (1999) established a new document under part 3, certifying the right of public ownership of land allotments, known as a certificate of private ownership of land. In addition, this regulatory act established that previously issued certificates to citizens of the Kyrgyz Republic for the right to use land allotments retain their legal force if there is a corresponding stamp of the State Agency for Land Management, Geodesy and Cartography under the Government of the Kyrgyz Republic.

These regulations have played a significant role in the formation of the land rights and the development of the land market in the Kyrgyz Republic. Land allotments received by women and men at the beginning of the reform for use became their personal property. To prevent citizens selling their newly acquired land without understanding its value, a moratorium on purchase and sale of land was declared for a period of five years.

Stage 3 (2009 - Present)

- Laws of the Kyrgyz Republic “On amendments and additions to the Law of the Kyrgyz Republic On agricultural land management” (2009, 2016) aimed at forming and developing the regulatory framework for transactions with land shares, characterized by the expansion of the rights of owners of land shares to make civil transactions with land. The circle of owners of agricultural land was expanded, which also expanded the circle of buyers when alienating land shares, which gradually led to an increase in the market value of land. The owners or buyers of agricultural land can be citizens of the Kyrgyz Republic, cooperatives and legal entities of the Kyrgyz Republic involved in the cultivation, and (or) processing of agricultural products. Because the circle of owners has been expanded, the circle of heirs of land shares is also expanding accordingly. The ban on donating land shares was lifted. The use of land shares as collateral, with the expansion of the circle of owners of agricultural land, did not bring

¹ Law of the Kyrgyz Republic, On Agricultural Land Management (revised in 2001), art. 6.17.

² *Id.*, art. 28.1.

³ *Id.*, arts 14, 29.

⁴ *Id.*, art. 22.

⁵ Civil Code of the Kyrgyz Republic, arts. 233-1, 233-2.

significant changes. Today, land shares are accepted by banking organizations as collateral, but only in the framework of state programs for lending to the agricultural sector.

- In 2016, amendments were introduced to the law of the Kyrgyz Republic “On agricultural land management,” according to which, land shares of up to 5 hectares can be sold, allocated only as a single contour of the land area, without partition. The size of the allocated independent land plots (shares) may not be less than 5 ha.⁶
- According to the Land Code of KR, the Tax Code of KR and the Law of KR, “On Rates of Insurance Contributions for State Social Insurance,” owners of land shares are obliged to pay land tax and insurance contributions annually. Rates of land tax and insurance premiums are differentiated, depending on the type of land. If a land user fails to pay land tax and social contributions, in accordance with the Land Code of the Kyrgyz Republic, the state may seize the land share.

The current legal framework for land reform has some shortcomings, which directly affect women's land rights:

1. The legally established minimum plot and share allocation size of 5 hectares means that landowners cannot separate their land shares from common property of the household. This presents a particular problem for women that differs from men in a number of ways. First, if women are joint owners in their natal family land, and considering patrilocal marriage customs, women are not able to take their land share with them to their husband's home when they marry, so they effectively lose their land rights when they marry. Similarly, if women are joint owners in the husband's household's property, they are not able to take the land shares with them if they separate or divorce. Even though land shares can be sold to other landowners, the seller is dependent on the agreement of the other co-owners.
2. Women of the Kyrgyz Republic, who are married to foreign citizens or stateless persons, do not have the right to be owners of land shares. This leads to the situation that women do not officially register marriages with foreigners, in fear of losing land shares. The negative consequences of which may be the inability in the future to defend their legal property rights acquired during the marriage, including the rights on land shares.

In addition, many experts associate the reasons for the restrictions on women's land rights with culture and traditions. Under Kyrgyz law, women have equal rights to own, inherit and dispose of property, including land. Traditionally, when women marry, “they leave their families and their land plots and move in with their husband, and although they have the legal right to sell their family's land shares and receive compensation, “women rarely do so because such an act would be considered shameful”. According to one survey, the majority of women surveyed reported that they received official land shares when state farms were privatized, but 25% of women gave their land shares (without compensation) to their parents when they got married.” Gender experts say that when a woman leaves her parents' home and moves in with her husband, she “doesn't even think about selling or renting out her land share. It goes by default to her parents and becomes part of the inheritance of their sons and grandsons.” As one rural woman stated: “No rural girl will ever say to her parents “Give me my land!” when she gets married. A woman who decides to divorce or leave her family will face many restrictions if she wants to divide the land and claim her part of the land. Even when women are willing to assert their legal rights, if they do not have the means to cultivate the land (due to limited productivity, or lack of material means to purchase agricultural equipment, for example), they may be forced to cede management and ownership to male relatives. Young brides, early married women, ex-wives, daughters-in-law, and widows are the least likely to challenge patriarchal traditions regarding property rights. In addition, religious second or third marriages do not

⁶ Agricultural Land Management, arts. 15,16.

give any legal rights to family property. Men are usually considered heirs of land through the family line (a brother, younger son, or other male relative), so that women cannot inherit either land or smaller allotment. Therefore, women are not inclined to claim land rights for fear of going against common practices and rural customs (FAO, 2016).

III. Findings of the Survey on Women's Ownership of Land Shares

Methodology

The survey of women was conducted taking into account the following factors:

Territorial coverage. Kyrgyzstan is traditionally divided into two parts: the southern and northern regions. Southern regions (Osh oblast, Jalal-Abad oblast, and Batken oblast). A high population density, insufficient irrigation land, characterizes Southern part of Kyrgyzstan and small land shares per person. Nevertheless, at the same time, due to the climatic conditions in the southern regions, it is possible to get two or three harvests of agricultural products during the season. Traditionally in the south, farmers grow vegetables and fruits both for sale and for their own consumption. The survey in the south was carried out in the following localities: in Mady and Nariman Aiyl Aimaks. These settlements were selected for the survey since they have the highest population density in the southern part of the republic, where land disputes are acute. On average, 0.03 hectares of land per person were provided during the land reform.

Northern regions (Chuy, Issyk-Kul, Naryn and Talas oblasts). The Northern part of Kyrgyzstan is characterized by a lower population density, sufficient land resources, and, in comparison with the southern region, a large size of land allotments per person. In addition, a short vegetative period is typical for the Northern region in terms of climatic conditions. Cattle breeding makes half of the production of agricultural products. Farmers also grow crops for fattening livestock. Residents of the northern regions, including women, compared with the residents of the southern regions, differ in the quality of education, which enables them to work additionally in other areas. The survey in the north was carried out in the following localities: Jeti-Oguz and Ak-Dobo Aiyl Aimaks.

The selected localities in the northern part of the republic most clearly characterize the average type of agriculture in the north of Kyrgyzstan, where crop and livestock production are equally developed. The average land share in the northern part of the republic is approximately 1 ha.

Data on land shares within the Aiyl Aimak

Name of Aiyl Aimaks	Average size of land share per 1 person	Number of persons who received land shares	Number of women who received land shares
Jeti-Oguz A.A., Issyk-Kul oblast	0.56 ha irrigated arable land 0.36 - dry arable land	3 823	1 910
Orgochor AA, Issyk-Kul oblast	0,48 ha irrigated arable land 0.11 - dry arable land	1005	500
Mady AA, Osh oblast	0,09 ha irrigated arable land 0.05 ha - dry arable land	11 167	5 580
Nariman AA, Osh oblast	0,08 ha irrigated arable land 0.05- dry arable land	6 500	3 250



■ - Aiyil Aimaks where the study was conducted

Review of the various actors’ visions of the problems of women's land rights. As practice shows, the problems and protection of rights to land, including women, are assessed differently depending on the social status of the evaluating person, gender, and other features. In this connection, 30 women were questioned from the northern and southern regions, 6 employees of local self-government bodies (Ayil Okmotu), and 5 employees of the local state body for registration of rights to real estate (branches of the state institution “Cadastre”). These local authorities and the state authorized body are responsible for the management and control of land resources, protection of the rights and interests of all rural residents.

All land shares are located within the boundaries of Aiyil Aimaks, which are the primary administrative-territorial unit in the Kyrgyz Republic and where the rural population lives. In accordance with the legislation of the Kyrgyz Republic, each Ayil Aimak has its own local self-government bodies, consisting of an executive body - Ayil Okmotu and a representative body - a local Kenesh (local parliament). Local executive bodies on the ground also perform delegated state functions: tax collection, social protection of the population, etc.

The survey was carried out in a mixed form: in groups and individually. The advantage of the group questionnaire was that women were able to jointly discuss the proposed issues and understand the problems of land use of women.

Interview data (conducted from 8 – 12 September 2020)

Questioned	Individual interviews (number of interviews / number of people)								Group interviews (number of interviews / number of people)				Total of all interviews (interviews / people)
women	1/4								1/15	1/14	1/13	1/8	6/60
local government representatives	1/1	1/1	1/1	1/1	1/1	1/1	1/1	1/1	1/2		1/2		10/12

members of local registration authority for registration of rights to immovable property	1/1	1/2	1/4	1/3	4/10
Total	12/21		8/61		20/82

The survey was conducted among the workers of Ayil Okmotu, the executive body of four Ayil Aimaks (Mady AA and Nariman AA, Osh oblast; Jeti-Oguz AA and Ak-Dobo AA, Issyk-Kul oblast). These employees include:

1. The Head of Ayil Okmotu, Head of the Executive body of local self-government of the Aiyl Aimak;
2. Deputy Head of Aiyl Okmotu – Deputy Head of the Executive body of local self-government of the Aiyl Aimak. In the absence of the Head, replaces his position;
3. Ayil bashchysy - Head of the Executive body of local self-government in separately located villages. In this position, the person provides assistance in solving issues of local significance and in the implementation of delegated state powers.
4. Land surveyor of Ayil Okmotu – specialist of the Executive body of local self-government that keeps records of land resources within the Ayil Aimak, controls the rational use of state lands.
5. Social Protection Specialist of Ayil Okmotu – an employee who works to identify socially vulnerable families, organizes work on the implementation of social support programs for families, children and women.

As part of this study, a survey was conducted with 10 employees of branches of the State Institution “Cadastre”: in the Jeti-Oguz region of the Issyk-Kul region and the Kara-Suu region of the Osh region. In accordance with Article 9 of the Law of the Kyrgyz Republic “On State Registration of Rights to Immovable Property,” state registration in the unified state register is subject to: the emergence of rights to a land plot, their transfer, conveyance, restrictions, easement, mortgage and termination. Registration of rights to real estate and transactions with it is carried out in accordance with the legislation of the Kyrgyz Republic by local registration authorities of the State Institution “Cadastre.”

Survey Findings: Women Respondents

Information about the respondents: Target group-women who own land allotments, including those who lost this right later for various reasons.

Table 1. Information about the interviewed women:

Age	Number	Number of women having land shares (with land shares)		Marital status Yes/No
		Yes	No	
From 26 to 30 years	4	3	1	3/1
From 30 to 40 years	15	15	0	14/1
From 40 to 50 years	11	11	0	11/0
From 50 to 60 years	28	26	2	25/3
From 60 and above	2	2	0	2/0
Total:	60	57	3	55 /5

Status of Land Ownership for Women Interviewed.

Given that the granting of land allotments began in 1995, the age of women who received land shares is currently at least 26 years and above. The average age of the surveyed women is 45.9 years.

Analyzing the Table 1, we see the following. Out of 60 women, only 3 women do not have land shares: 1 woman did not receive a land share, since at the time of its provision in 1995 she was a city resident; 2 women lost land shares due to the fact that their parents sold their land shares together with the family owned ones. These women do not remember whether they had written consent to sell their land share.

Table 2. Legal and actual ownership of land shares:

Age	Number	Factual and legal rights' owners and users of their land shares	Those who legally are the right owners, but in fact, do not use their land shares
From 26 to 30 years	3	1	2
From 30 to 40 years	15	1	14
From 40 to 50 years	11	4	7
From 50 to 60 years	26	25	1
From 60 and above	2	2	0
Total:	57 (100%)	33 (57.9%)	24 (42.1%)

Actual and legal ownership means that the owner of the land share having the legal right to the land share, confirmed by relevant documents, actually uses the land share him/herself.

Legal owners of their land shares, but not actually using their land shares means that the owner of the share having the legal right to the land share confirmed by relevant documents does not actually use the land share him/herself. In case of surveyed women, their land shares are used by parents, brothers, and other relatives.

Figures of the Table 2 show that women's ownership and actual use of land shares depends on their age. 42.1% of women aged 26 to 60 years legally have land shares, but for various reasons do not use them. The main reason is that these women received land shares when they were still schoolchildren, underage girls, and received land shares together with their parents, brothers and sisters. After marriage, traditionally, Kyrgyz women leave land shares to their parents or the youngest brother. All the women interviewed believe that this tradition is fair and not subject to violation. In addition, women between the ages of 40 and 60 noted that the reason for their dispossession of land is the use of land shares by their husband's relatives, which they cannot claim due to customary law - customary law, tradition (adat).

The surveyed women aged 50 years and above, legally and in fact, still own and use their land shares. This is because this age category of women received land shares when they were married, together with their husband or his family.

17 women (29.8%) out of the total number of women who have land shares, between the ages of 30 and 46, do not know the size of the land shares that they have received in the past, nor do they know about the presence or absence of legal documents for land shares. This is because these women received land shares at a minor age and left them to their parents after marriage.

Land Shares and Family Income

Table 3. Information on household income from the use of land shares

51-100% of family income from growing agricultural products, on land shares		Approximately 50% of family income from growing agricultural products, on land shares		Less than 50% of family income from growing agricultural products, on land shares	
south	north	south	north	south	north
10	0	4	10	0	36
16 (7%)	0%	6 (7%)	16 (6%)	0%	60 (0%)
10 /16 (7%)		14/23 (3%)		36 (60%)	

When studying this issue, the opinion of the surveyed women who do not have their own land shares, but work on acquired, leased or land plots belonging to all family members was also taken into account.

The analysis of Table 3 showed that 10 (16.7%) women noted that the income received from growing agricultural products on land shares is the main source of family income. These women were from the southern part of the country, where family members generally are not regularly engaged in other work.

The number of women-respondents where half of the family income comes from the production of agricultural products on land shares is 14 (23.3%), where agricultural products grown (hay, corn, etc.) are mainly fodder for raising livestock. The sale of fodder brings farmers more income than the grown agricultural products. As we can see, this is more typical for the northern part of the republic's agriculture.

36 (60%) of the women surveyed noted that the income from growing agricultural products on land shares is less than 50% of the total family income, or they do not receive any income and are forced to cultivate land shares in order to cover taxes and social payments related to this land plot and not lose ownership of land shares. Some of them also rent out land. These respondents are residents of the northern part of Kyrgyzstan.

In addition, 16 women (26.7%) ranked income from the use of land shares first, 24 women (40.0%) second, and 20 women (33.3%) third or last. That is, for 16 women, income from the use of land shares is the only source of family income, and most likely, all income is used only for the daily expenses of the family. The rest 44 women have other income besides the income from using the land share.

Use and Management of Land

Table 4. The use and management of land shares

Person who manages land shares in the family	From 26 to 30 years	From 30 to 40 years	From 40 to 50 years	From 50 to 60 years	From 60 and above
Husband or other family member (male)	3	15	11	22	1
Female	0	0	0	4	1

Table 4 shows that out of 57 women, only 5 women over 50 are heads of households and manage their family's land resources, including land shares. According to their information, the cause is the death of her husband. Fifty-two women responded that the head of household and management is assigned to her husband or, in his absence, to close male relatives of her husband. Moreover, these women are not interested in independent management, use, and alienation of land shares. Reasons:

lack of agrotechnical knowledge, difficulties in independent land treatment, access to irrigation water, etc.

Not being interested in alienation in most cases is connected with the fact that women understand that this question is decided by the male head of the family and their opinion is rarely taken into consideration. At the same time, 5 women (where the heads are men) would like to manage their land plots, use and dispose of them, if they were given such an opportunity. These were women between 30 and 40 years old who justified their wish by the fact that they had enough education and skills to use their land shares effectively. But at the same time, all interviewed women noted the lack of knowledge in agriculture and the need for training. Women understand that they need special knowledge for effective land use. This contradiction, in my opinion, is explained because women do not deeply enough understand that at present it is necessary to introduce new technologies in agriculture.

Table 5. Information on transactions and inheritance of land shares

57 women having land shares (owners)							
Would you like to sell/alienate your land share?		Would you like to give for rent/is it in rent?		Who will you bequeath your land share to?			
Yes	No	Yes	No	To son	To daughter	Other persons	Do not know
0	57	2	55	34	3	14 (younger brother, grandson)	6

The analysis of Table 5. shows that none of the 57 women who own land shares plan to sell or otherwise alienate their land shares. 2 women, over the age of 55, rent out their land shares due to the fact that they are unable to work them physically and financially on their own. Only 3 women plan to inherit their land shares to their daughters. 48 out of 57 women plan to pass on their land shares to their sons or male relatives, which is 84.2% of all women interviewed. 6 women have not decided yet who to bequeath their land shares.

At the same time, 30 women (52.6%), including 25 women from the Northern part, indicated the need for land shares for their daughters/women. 25 women (43.8%), including 23 women from the northern part, would like to give land shares to their daughters. As we can see, women from the northern part of the republic are more inclined to transfer their land shares to female heirs. It is connected with the fact that in the northern regions women pay more attention to quality education, opportunities to provide material welfare of girls, and realize the advantages of possessing and owning land shares of women. But at the same time, these women understand that they will not be able to solve this issue on their own and most likely the decision will be made in favor of male heirs.

Out of 48 women (who do not plan to inherit land shares to their daughters) 27 women from the southern region and 21 women from the northern region said that their daughters do not need land shares and therefore do not plan to inherit them to their daughters. They explained this by the fact that girls go to another family after marriage and her husband's family should provide for her and her land share should remain in her parents' family.

In the survey, only 2 women out of 60 (see Table 1) do not have land shares due to alienation. These women do not know the reason, at what time and at what price their land shares were alienated, since these transactions were made without their consent and participation. Perhaps the women do not remember and did not pay due attention to the fact that they signed the documents on alienation, because a lot of time has passed, or these alienation transactions were concluded orally and they are

still legally the owners of their land shares. In the course of the survey, these women were asked whether they could legally get their land shares back. In this case, two things should be taken into account: first, if a woman is still the legal owner of the land share, then she should apply to judicial authorities with a claim to return the land share from illegal possession by others; second, if a woman has provided written consent to the alienation of the land share when making the transaction, unfortunately, the return of the land share is not possible.

Survey Findings: Local Government Representatives

The survey involved:

Name	Number
Head of Ayil Okmotu	2
Deputy Head of Ayil Okmotu	1
Aiyl bashchysy	3
Land surveyor of Ayil Okmotu	3
Social Protection Specialist of Ayil Okmotu	3

Table 6. Management and use of land shares

Questions	Yes	No
Have all villagers received land shares, including women?	10	2
Have all rights to land shares passed the system state registration?	12	0
Are land shares distributed fairly among family members?	12	0
Can women independently manage, use their land shares?	11	1
Do women own land shares on an equal basis with men?	11	0
Do women who have married to men outside of their permanent residence receive compensation for their land shares?	2	8

According to the Table 6, almost all local officials noted that land shares have been received by all those who have the right to it, including women and that the distribution of land shares was fair in Kyrgyzstan and corresponded to the level of the political and economic status of the state. They also noted that the registration system covered land shares, which means state registration.

2 employees of Ayil Okmotu noted that not all of them received land shares, substantiating this on specific examples of families who applied to the local authority to allocate a land share to them. These employees were directly approached by these citizens or, according to their authority, should have considered the issue with the provision of land shares.

Local authorities on the above issues carry out explanatory work among the population and inform them that land shares will not be provided due to the lack of free land.

According to the respondents, women can independently manage land resources and have the same legal right to land shares as men.

According to local officials, women who have married outside of their permanent residence do not receive compensation for their land shares. Only two officials of local registration authorities noted that in their practice there were cases when women were compensated by relatives for the land shares they left. They consider it fair and consistent with the traditions, and also such a decision confuses representatives of local authorities, since they do not need, in the event of a dispute, to work to resolve it. During the conversation, local officials admitted that the relatives of women violate their rights by using the land shares of women without paying compensation (redemption price). Officials avoid resolving such issues because they believe they should be resolved within the family.

Table 7. The use and management of land shares (in 4 Aiyl Aimaks, according to the interviews with 12 staff members)

Questions	In (%)
Do all have legal documents for land shares, including women owned?	82.7%
How many families are not using their land shares?	11.8%
How many women left their land shares?	23%
How many women manage households, including land administration?	25.7%

Analysis of Table 7 shows that in the opinion of local officials: 82.7% of families in the surveyed Aiyl Aimaks, including women, have appropriate documents of title to land shares and accordingly; 17.3% of families for various reasons have problems with documentation (loss of documents, death, departure from the countryside, etc.). This means that there are land users with uncertain legal status of lands and in the future there is a risk of dispute on these land shares.

About 11.8% of the total number of families in the Aiyl Aimak do not personally use their land shares due to lack of financial resources, the departure of an able-bodied family member for work. Most of the respondents noted that these families rent out their land shares. This means that these families do not receive income from the use of land shares. Most of the income from leasing land shares goes to pay taxes and other obligatory payments.

According to the authorities interviewed, 23% of the women living in the surveyed Aiyl Aimaks who received land shares have left them for reasons of divorce and moving to another area or have married. None of them received compensation for their land shares. Despite this, the majority of women who legally own land shares, but do not actually own their land shares, noted that formal legal ownership of land shares allowed them to receive state disability benefits upon the birth of children. This allowance, in accordance with the Law of the Kyrgyz Republic "On Social Insurance," is also paid if women have land shares, ensuring that there are no land tax debts and social payments for land. Female respondents also indicated that land tax and social payments are paid by their relatives who actually use their land shares.

Survey Findings: Members of Local Registration Authority

Table 8. Availability of legal documents and registration of rights to land shares of women

Question	Answer
Do all have legal documents for land shares, including women?	Yes
Are there any disputes over the land shares of women in transactions, use, disposal?	Yes
Is the knowledge of women enough for self-registration of documents?	Yes
When alienating land shares in common joint ownership, is the consent of women always taken into account?	Yes
In the event of death, do citizens, including women, apply for an inheritance?	Yes

Analysis of Table 8. shows that when interviewing 10 employees of registration body, the majority noted that practically all women have title documents for land shares (together with family members); have sufficient knowledge for land plot transactions, when alienation of land shares in common joint ownership the consent of women is taken into account; and women also apply for registration of inheritance of land shares. But at the same time, it was noted that disputes over land shares are frequent, including when one of the parties is a woman. These are predominantly disputes between a woman and her ex-husband and his relatives over the allocation of women's land shares in divorce. And in most cases, according to local officials, women who have not been able to resolve the land dispute mutually do not go further to court.

According to the registration body, they do not keep separate records on women's land ownership and therefore cannot provide official information. In the real estate registration system, the head of the family (most often a man) is indicated as the owner of the land share, and co-owners are indicated separately. Therefore, the registration system cannot automatically sort and show rights holders by gender.

General Results of the Survey

Key problems:

- Women do not actually own or manage their land shares, within the household.
- Most of the public, including women themselves, believe that women do not need to own land shares and are not considered to be heirs of land shares.
- In case of divorce or death of a husband, women cannot allocate their land shares or receive compensation for it.
- Women do not receive compensation for the use of land shares by relatives.
- They are not interested in registering their rights to land due to legal illiteracy and their unwillingness to bear the cost of registering transactions.
- No written contracts for the lease of land shares are concluded.
- Processing land shares is unprofitable and does not bring any significant profit, in this connection women are not interested in protecting their right to land shares
- In fact, customs, traditions in practice take precedence over the norms of KR legislation, in issues of women's ownership of land shares.

IV. The Survey Conclusions

Land reform in the Kyrgyz Republic began with gender equity (approximately 50% of land shares were allocated to women), but over time this gender equity began to decline. This was influenced by various factors: socio-economic development of the KR, shortcomings of the land reform, and even centuries-old traditions and customs of the Kyrgyz people. The results of this study, as well as the analysis of existing land use problems in the Kyrgyz Republic have shown that the reasons for the disempowerment of women, the reduction of gender equality in women's access to land use are:

Culture, Customs and Traditions of Marriage and Inheritance of Kyrgyz People

Kyrgyzstan is one of the Asian Republics where observance of traditions, customs is most often part of everyday life. Gender equality, i.e. equality of rights of women and men in access and control over land resources is significantly different. The present study showed that 42.1% of women, 26-60 years old, legally own land shares, but for different reasons do not use them. The main reason is that after marriage, Kyrgyz women traditionally leave land shares to their parents or the youngest brother; the land share given to her family is used by her husband's relatives, which they cannot claim due to customary law. All women interviewed believe that this tradition is fair and should not be broken. Another worrying trend revealed during the survey is that 84.2% of all female respondents plan to bequeath family land plots to their sons or other male relatives, believing that a man should provide for his family, extract, protect - be a strong link. Women by nature are designed to be the weakest link in the home. As a consequence, society makes a decision - a woman does not need the land share, she will not be able to manage it; to use it. Consequently, it is possible to predict that over time women will actually and legally lose the right of ownership of land shares.

Law No. 184 of August 4, 2008 "On State Guarantees of Equal Rights and Equal Opportunities for Men and Women" provides that the behavior of individuals based on norms of customary law, traditions and culture that contradicts the requirements of gender equality is not permitted. Moreover, according to the Constitution of the Kyrgyz Republic, the Kyrgyz Republic supports folk customs and traditions that do not contain elements of gender discrimination. But, unfortunately, as we see above, these normative acts do not work.

Small Size of Land Shares

The small size of the land shares of women, and therefore of households, does not allow for efficient land use. Taking into account, the average composition of family members is 5 people: one family in the northern region has 5 hectares of land share and 1.5 hectares of land share per family in the southern regions. Land shares consist of different types of agricultural land: irrigated arable land, dry arable land, perennial plantings and, in some cases, hayfields. In practice, the survey confirmed that only irrigated arable land and perennial plantations are used, and farmers do not use dry arable land and hayfields due to the remoteness and unprofitable processing. This has led to the fact that the real size of the land share cultivating one family (household) does not exceed, on average, 3 hectares in the north and 1 hectare in the south. Even on irrigated arable land, agricultural production is unprofitable, due to its small size. This is one of the reasons for the inability of households to manage land efficiently. This problem is most acute in the southern regions, where the population density is higher and there are insufficient land resources. 36 (60%) of questioned women noted that income from growing agricultural products on small land shares makes up less than 50% of the total family income or they do not receive any income and have to cultivate land shares in order to cover taxes and social payments related to this land share. The small size of land shares also means that it is of low value, due to which women are not interested in having such a low liquidity property, which entails annual expenses (taxes, social payments). For comparison, if a land share of the same size was in the city area, it would have a high value and would be attractive for women as assets.

Legislative Problems

The legislative restrictions on the size of an inalienable and indivisible land plot introduced in 2016 have led to the fact that land plots (shares) less than 5 hectares cannot be divided in kind and must be alienated entirely. Also, in section 2 of this study, other legislative problems in land use were identified that violate women's rights to land. The current legal restrictions have led to an increase in the number of land disputes, especially in the case of the division of the land share of women. According to the information of the state institution "Cadastre," in 2018, a woman won a lawsuit on the recognition of the article of the Law of the Kyrgyz Republic "On agricultural land management" regarding the indivisibility of a land plot of less than 5 hectares, contrary to the Constitution of the Kyrgyz Republic and restricting citizens (owners) to independently dispose of their land plot. The Supreme Court recognized the norm of the article of the Law of the Kyrgyz Republic "On agricultural land management" was contrary to the Constitution. Based on the decision of the Supreme Court, the woman was able to allocate her land share in kind. This decision of the Supreme Court, most likely the decision of the Constitutional Chamber under the Supreme Court of the Kyrgyz Republic, could not be found in official sources: neither in the information and legal system "Toktom," nor on the official website of the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic.

This case from the judicial practice shows that in Kyrgyzstan there is a sufficient legal base, allowing women to assert their land rights. So, article 12 of the Constitution of the Kyrgyz Republic guarantees inviolability of the right of ownership of the land shares of women. Article 222 of Civil Code No. 15 of May 8, 1996, specifies that a woman (the owner) has the right to possess, use, and dispose of her land share at her own discretion. The seizure of a land share against the will of women is allowed only by

a court decision. Kyrgyz legislation envisages mechanisms that allow a woman to receive monetary or other compensation for the land share that she left behind. For example, in accordance with Article 269 of Civil Code No. 15 of May 8, 1996, a woman has the right to demand of other co-owners of the land plot (share) to give her possession and use of a portion of the common land plot (share) commensurate to her share, and if this is impossible, she has the right to demand of other co-owners owning and using the land plot (share) allocated to her share an appropriate compensation.

Low Legal Literacy

There is low legal literacy of women regarding protection of their rights, and irresponsible attitude towards their rights to land shares. Some of the women interviewed noted during the interviews that they underestimated the negative consequences of their decision not to pass their land shares to the girls. 7 out of 10 employees of local registration authorities noted that women who were unable to resolve their land disputes through negotiations do not go to court because it requires legal support costs and lengthy court processes that can last for years. Women, like all family members, are not interested in registering their rights to land and other transactions (lease) on land shares. Thus, two female respondents admitted that they transferred their land shares on the basis of verbal agreement into lease and do not know what the risks and disadvantages of verbal agreement are. Almost all interviewed women noted that women who have land shares at birth of children, in case of disability, illness receive benefits for temporary disability, even if they are unemployed (Law of KR "On Social Insurance") and this state support, was noted by all correspondents as one of the most positive and really supporting women's rights. However, due to their legal illiteracy, many are convinced that their daughters do not need land shares.

Poor Agrotechnical Knowledge

The low level of agrotechnical knowledge does not allow women to conduct effective land use. Only 2 questioned women were permanently engaged in growing agricultural products, the rest were permanently employed in other spheres of activity or were housewives. Also, in the distribution of land shares, rural teachers, medics, farm workers, power engineers, and others became farmers. Naturally, over the years, farmers were engaged in self-study and today their knowledge is not insufficient. In the course of the survey, women's answer to the question, "What help do you expect from the state?" with "the need for training in growing agricultural products according to new technologies, taking into account the size of land shares." In production processes, the majority of households (including women) do not have an opportunity to maintain high-class equipment and predominantly manual labor is used. As a result, this leads to rather low profitability of households.

At the present stage of development of land relations the above-mentioned socio-economic factors, such as the natural aging of women who received land allotments in the process of land reform; the influence of traditions and customs; increasing religious influence on women, especially rural women; the external migration of middle-aged women; and the absence of state mechanisms for supporting rural women producers of agricultural products, in my opinion, have negatively affected women's ownership of land resources, namely land shares, in the household

State bodies do not keep records and analysis of land tenure by women

The existing system of state registration of rights to real estate and the system of national gender statistics of the Kyrgyz Republic does not contain information on the economic opportunities of women in agriculture: possession and access to land resources, information on land disputes in which women "lost" their land shares, although representatives of state bodies and bodies of local self-government recognize that this type of dispute is most often encountered in practice.

V. Recommendations

As stated at the beginning, the purpose of this study is to analyze the consequences of land reform for women – owners of land shares and how their land ownership changed. The study intends to identify and summarize general conclusions affecting land use by women within male-headed households. The conclusions obtained through this study require early intervention of all stakeholders to prevent further process of women's landlessness in the Kyrgyz Republic. The following recommendations are proposed for implementation:

1. It is necessary to highlight and promote Kyrgyz traditions and customs, which protect the interests of women, including property ownership issues. The prevailing public opinion that Kyrgyz traditions and customs mainly protect only the interests of men is incorrect. It is the result of a superficial study of the established culture and life of the Kyrgyz. For example, the Kyrgyz have a tradition, which is still observed today, that when a girl marries, her parents are obliged to give her a dowry. A dowry may consist of various types of property, depending on the resources of the parents, ranging from things of daily use to real estate. To some extent, a dowry can be regarded as compensation for the land share remaining after the marriage. The Kyrgyz traditions do not allow a widowed woman with children to be left without assistance, and relatives of the deceased husband have always provided for her and her children. Of course, there are cases when these traditions are broken, but it is not widespread. And as we can see from the results of the study, women's abandonment of land is predominantly voluntary. As of today, there is no discrimination within the official laws, therefore, if a woman wants to continue being the owner of a land share, manage and use it independently, there are no limitations in the legislation of the Kyrgyz Republic. Although, women can face another challenge which is legal illiteracy. In my opinion, this is the main reason for the disempowerment of women with regards to their land rights.
2. Adoption of state program on voluntary consolidation of land shares of small households, with establishment of stimulating mechanisms for consolidation: providing with preferential credits, high-grade seeds, intensive perennial plantations, also subsidizing expenses for purchase of agricultural machinery, for application of new technologies (drip irrigation etc.). All this will lead along the chain to improvement of women's welfare, including preservation of women's land property. Development of a cluster in each specific case, so that farmers (women) would understand and be sure that products grown by them have a buyer, it is possible to store for more profit. That is, a real chain should be built from producer to end buyer, with the obligatory condition that in this chain the farmer-producer of agricultural products will receive sufficient profit. This will lead to an increase in the value of land shares as the main means of production.
3. Amend the Law of KR "On Agricultural Land Management" to remove restrictions on the minimum size of a land share of 5 hectares. This will allow women to allocate their land shares or receive compensation, in case of separation of their land share from the common land plot of the family. I think that arguments of some experts that this restriction will promote effective land use are erroneous. The natural process of farming itself will determine the optimal size of the land share, taking into account various factors, which will allow effective production of agricultural products.
4. Improvement of legal literacy of women. Women do not appreciate their right of ownership of land plots and those benefits that the government provides related to the right to land plots. The analysis has shown that women, seeing the advantage of land ownership in the

form of temporary disability benefits, are still convinced that their daughters do not need land shares. This proves that women do not see a direct connection between legal ownership of a land share and state support programs. In this connection, it is necessary to improve women's legal literacy, to explain the negative consequences of losing ownership of land shares and the need to have title documents for land shares. By means of legal literacy it is necessary to convince women that land shares should be inherited by their daughters as well.

5. Development, adoption and implementation of programs of women's agricultural entrepreneurship: training of women on cultivation of highly profitable agricultural production on small land shares, providing preferential unsecured loans, subsidizing by the state the purchase of high-grade seeds, perennial plantations, costs for application and introduction of new technologies (drip irrigation), training women on developing a business plan for cultivation of agricultural production on land shares, etc.
6. In order to identify problems and issues of gender imbalance in agriculture, the state needs to improve gender mainstreaming, with the inclusion of a methodology for mainstreaming gender issues in agriculture, with the introduction of indicators of access to land and other basic means of production. Conduct a gender analysis in agriculture, taking into account gender indicators in agriculture, developed and recommended by FAO.

Land ownership is important for the economic and social well-being of women, especially in rural areas. It gives women an economic resource that can be sold, leased, or used as collateral for loans. Therefore, there is a need to improve women's access to land, protect women's legal rights to land and enable them to benefit economically from land. This, in turn, will have a positive impact on the welfare of her family and household, as well as the growth of agricultural production in general, taking into account that the share of households (peasant farms) engaged in agricultural production is 75.6% of all entities working in this sector⁷.

I hope that this study will contribute to the protection of property rights and improvement of women's access to land resources. It will be useful in particular for women, as well as for authorized state bodies responsible for ensuring gender equality. In addition, the study may be useful for international organizations assisting the Kyrgyz Republic in the protection and promotion of women's rights, along with other stakeholders.

⁷ Statistical Committee of the Kyrgyz Republic, 2020

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Annex 1

Questionnaire for Women

(30 women in the southern region and 30 women in the Northern region)

Name (optional)	Age	Did you receive a land share either as an adult or as a child during the farm reorganization? Yes/No/Don't know	Employment	Marital status	Head of household Yes/No

General questions:

1. What are the sources of income in your family. What is the main source of income?
2. What is the importance of the income from agriculture compared to other sources of income?
3. Do you make any income from your HH plot?

Questions about the land allotment (legally, actually owning if yes, above.

1. How old were you when you received a land share?
2. Were you married or unmarried?
3. If unmarried and married now, what happened to your share when you married?
4. If unmarried and not married now, do you have any control over your land share—able to make decisions, receive income, etc.?
5. How many people lived in your house at the time of the land share allocation?
6. Did everyone receive a land share? An equal land share?
7. Do you know the size of your land allotment? If no, why not?

8. What is the size of the land cultivated by your family (the HH where you received land)?
9. Did the HH that received a land allotment get a title?
10. Did they register the title?
11. If yes, whose name(s) were on the title? Whose names were registered?
12. What changes occurred in the HH since the allotment? (births, deaths, divorce or separation?)
13. Were those changes documented?
14. If changes occurred, what happened to your share? Others?
15. Who controls your land allotment? On what basis?
16. Would you like to independently manage the land? If so, why?
17. Would you like to sell, exchange or otherwise cede your land? If so, why?

Questions about the land allotment (legally, actually owning): If no or don't know, above

1. Did your family at the time receive a land allotment?
2. If now, why not? If yes, why didn't you?
3. If your HH did not receive a land allotment, what did they do for income?
4. What have you been doing since 1995 (if old enough)? (school/employment)
5. Were you married at the time of the allotment?
6. If no, are you married now?

7. If married now, do you have any rights to land in your household?
8. If yes, is your name on the title?
9. If married now, do you have a household garden? Who takes care of it?
10. Is there a title for that plot? If yes, whose name is on it?

Questions about the land plot received at the time of reorganization (ceded/alienated for various reasons):

1. Did you sell your land share? If yes, to whom?
2. Did you lease it out? If yes, to whom?
3. If you sold or leased it, approximately how much money did you/do you receive from the land?
4. Did you gift or transfer the land to the name of one or more of your children?
5. If yes, to whom (youngest, oldest, all of them, all boys, etc)
6. Did you gift or transfer the land to the name of your husband?
7. What are the reasons for the decision to cede your land allotment?
8. Do you think this is the right decision?
9. Have all the documents been processed during the alienation? If no, why not?
10. What difficulties did you face after you ceded your land?

Other questions:

1. If you have land now (either from the distribution or purchased or inherited, how did you get the land?
2. Do you receive any assistance from the state to use your land?
3. Would you like to transfer your land to your daughter? If yes, Why? If no, why not?
4. Do your daughters need land allotments? Why? Reasons?
5. Who will inherit your land allotment? Why?

Questionnaire for local officials: heads of village administration (Aiyi okmotu /AO), specialists of land management, social affairs officers

(5 officials from the South and North)

Name of AO (municipality)	Position	Size of the land allotment in AO	% of AO population receiving agricultural land allotments	Average number of women in a family with land allotments	Number of households, headed by women

General questions:

1. What is the main source of income for families in the AO?
2. What is the importance of the income from agriculture compared to other sources of income? (Crops/ pasture?)
3. Do women cultivate land on their own?
4. Do women raise animals? If yes, what kind?
5. What is the main source of income for the families in the AO?
6. What is the importance of the income from agriculture compared to other sources of income? (Crops/ pasture?)
7. Do women cultivate land on their own?
8. Do women raise animals? If yes, what kind?

Questions on land allotments

1. Were there collective or state farm(s) in this AO?
2. Was the land distributed to its members?
3. Did all members of a HH receive a share?
4. Were children born after the distribution receive land?
5. Did systematic registration occur in this village?
6. Do all households (including women-headed) have documents for land allotments? If no, why not?
7. How many households do not use their land allotments (as a percentage)? Reasons?
8. Do they lease out their land or try to sell it? Why or why not?
9. How many women "ceded" their land allotments? Reasons?
10. When daughters who received land in the distribution marry, do they get any compensation for their land share from their family?
11. When newly married women move into the village, do they receive any land?
12. Are they considered joint owners with their husbands?
13. Are transactions with land allotments processed in documents, including when transactions are made by women? If no, why?

Other questions:

1. Are there any disputes on the land allotments of women in their use, inheritance, etc.? If so, why? What is the percentage of dispute resolution in favor of women?
2. What help do local authorities provide to prevent women from giving up their land?

Questionnaire for employees of State Registration Service (authorized in state registration of real estate rights)

(5 employees each from south and north)

Name of the district/central office if the State Registration Service	Size of the land allotment in AO	Number of people with land allotments, with indication of the number of women separately		
		1999	2010	2020

Questions on land allotments

1. Do all households (including women-headed) have documents for land allotments? If no, why not?
2. Is agricultural land usually held jointly by husbands and wives? House plot land?
3. If yes, are both names on documents?
4. What types of transactions do women make when ceding/disposing of land allotments?
5. Are transactions with land allotments processed in documents, including when transactions are made by women? If no, why not?
6. When someone dies, do their heirs come to the office to change the title? Is it common for them to do this?

Other questions:

1. Are there disputes over land allotments of women in registration of land use rights, inheritance, etc? If yes, why? In this case, what is the percentage of land rights registered in favor of women?
2. What assistance do registration authorities provide to prevent women from?