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A Guide to Protection and Promotion of Women's HLP Rights in the Gaza Strip

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Researched and written by: Elisa Scalise and Amanda Richardson, Resource Equity

Edited by: Wafa Kafarna and Jihad Arafat.

Cover photo (front): Palestinian Woman around destroyed building in Shejaiya main intersection, Gaza City (Emad Badwan, 2013).

Cover photo (back): Palestinian Women in downtown Khanyonis, Khanyonis City (Emad Badwan, 2013).

The **Norwegian Refugee Council (NRC)** is an independent, international humanitarian non-governmental organisation that provides assistance, protection and durable solutions to refugees and internally displaced persons worldwide.



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Executive Summery

The Norwegian Refugee Council's Information, Counselling and Legal Assistance (ICLA) program in Gaza's project "Promotion and Improvement of Housing, Land and Property Rights for Women in the Gaza Strip" seeks to promote women's empowerment in accessing and exercising their housing, land, and property (HLP) rights in the Gaza Strip. The project seeks to enhance the protection of the HLP rights of women and vulnerable communities through: (1) improved access, information, and advocacy in relation to their HLP rights; and (2) enhancing the role of civil society in monitoring, reporting and responding to women's HLP issues. This practical Guide assesses best practices for assisting women in Gaza to exercise and claim their rights to housing, land, and property. Recognizing the threat of gender-based violence (GBV), the Guide also highlights programmatic linkages between efforts to reduce GBV and to improve HLP.

The Guide recommends that ICLA build on its existing good practices, particularly in legal assistance and training, coordination with partners, and information dissemination. In particular, ICLA provides legal assistance and counseling mobile legal clinics with CBOs; by organizing legal information sessions on HLP rights for both women and men, in coordination with CBOs; and by providing legal assistance for women facing difficulties exercising their HLP rights before relevant traditional, administrative, and judicial bodies. ICLA also provides legal training on women's HLP rights to legal practitioners and both female and male mukhtars and provides legal training placements within the NRC Legal Aid Centre for law students.

ICLA coordinates legal aid service providers through the Legal Task Force in Gaza and provides organizational and technical support to local partners (e.g. PCDCR), to Shelter Cluster members, and to other international organizations. It organizes both information-sharing workshops to affected women on HLP issues with PCDCR and policy days on women's HLP issues with local authorities, UN/INGOs, civil society, and disseminates information through media and advocacy initiatives to raise awareness and knowledge of women's HLP issues through radio episodes and other media outlets. Finally, ICLA leverages women's HLP rights expertise and programming with NRC's shelter cluster leadership activities.

Regarding GBV, the Guide recommends that projects commit to addressing the underlying social and cultural issues that make insecure HLP rights for women and GBV permissible. The Guide suggests that projects work with women both individually and in groups, and with influential women. Especially where programming might overlap, organizations like NRC should bridge the expertise gap between GBV and HLP specialists and integrate GBV and women's HLP programming within themselves and also with other GBV actors, especially those that work with men in the community. One way for ICLA to do this would be by integrating community resilience techniques, gender inequitable attitudes, and alternative identifiers of masculinity into ICLA's training of mukhtars.

Finally, more research is needed, so programs should incorporate research into HLP programming that considers GBV, and incorporate strategies into HLP programming to track and mitigate the risk of GBV through monitoring, evaluation, and continuous learning.

List of Abbreviations

CBO	Community Based Organization
GBV	Gender Based Violence
HLP	Housing, Land, and Property
ICLA	Norwegian Refugee Council's Information, Counselling and Legal Assistance program
INGO	International Non Governmental Organization
NGO	Non-Governmental Organization
NRC	Norwegian Refugee Council
PCDCR	Palestinian Center for Democracy and Conflict Resolution
NRC	Norwegian Refugee Council
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East

Introduction

To improve the development of best practices for strengthening community-based approaches, Norwegian Refugee Council's Information, Counselling and Legal Assistance (ICLA) program in Gaza commissioned production of a Policy and Procedures Guide. The Guide will assess best practices for assisting women in Gaza to exercise, understand and claim their housing, land, and property (HLP) rights, with a particular focus on the involvement of local communities. The Guide aims to systematize programmatic interventions on women's HLP rights by local and international organizations through the integration of community-based approaches that are supportive of stronger HLP rights for women. It will cover the protection of women's HLP rights and suggested practices in providing women with an avenue to achieve their HLP rights while also attaining broader community acceptance and support.

The Guide also includes specific sections on organizational best practices in dealing with gender-based violence (GBV) issues arising for women who face HLP challenges, highlighting programmatic linkages and opportunities between GBV and women's HLP.

This document does not seek to restate the HLP law and issues faced by women in Gaza, nor does it seek to document the particular challenges that women encounter in the face of the ongoing conflict in Gaza. Neither does it seek to train ICLA staff on GBV responses, other than in confidential referral of reported cases to GBV actors. These matters have been handled deeply and expertly in other NRC ICLA Gaza publications,¹ and were drawn on heavily to support drafting this report. It is recommended that they are read alongside this Guide. The NRA ICLA team in Gaza has also produced other reports which, while they do not focus exclusively on women, also provided concrete foundation for this Guide, including those explaining the legal framework, customary dispute resolution mechanisms, and Shari'a courts and personal law.²

Rather than duplicating the research already completed, this Guide focuses on practice. It describes and identifies good and emerging practices in ICLA's work to promote and protect women's HLP rights and makes recommendations for how the effect of these good practices can be sustainably maintained and also expanded. In doing so, this Guide reflects an institutional commitment to learning and responsive programming in an area that is complex and fraught but also increasingly important, as HLP rights are put under further pressure because of the ongoing conflict, destruction, displacement, poverty, and lack of economic options faced by many who live in Gaza.

There is growing global acceptance of the critical importance of secure HLP rights for women as well as those of men,³ yet there is limited detailed and nuanced guidance on how to achieve that in practice. This Guide adds to the global dialogue by providing ground-tested concrete strategies and approaches that can be used in analogous contexts.

¹ See NRC (2013) *Realities from the Ground: Women's Housing Land and Property Rights in the Gaza Strip*, and NRC, (2015) *Gaza: Impact of Conflict on Women*

² NRC (2015) *A Guide to Housing, Land and Property Law in the Gaza Strip*, NRC (2012) *Customary Dispute Resolution Mechanisms in the Gaza Strip*, NRC (2011), *The Shari'a Courts and Personal Status Laws in the Gaza Strip*

³ For a good summary see UNOHCHR and UNWomen, *Realizing Women's Rights to Land and Other Productive Resources* (2013), New York and Geneva. Available at <http://www.ohchr.org/Documents/Publications/RealizingWomensRightstoLand.pdf>

The following sections first cover the methodology for drafting this Guide, which helps shed some light on its scope and applicability. They then describe key activities of the ICLA program to promote and protect women's HLP rights in Gaza, providing analysis of good practice and recommendations for each. This is followed by a section covering the substantive links between GBV and women's HLP rights in Gaza and identifies programming opportunities that integrate those links. The Guide ends with a synthesis of the good practices and recommendations and recommendations to the donor community.

METHODOLOGY

This Guide was produced based on review of NRC ICLA Gaza project publications, proposal, project evaluation, and monitoring and evaluation plan. In addition, during a short field mission in November 2015, interviews were held with ICLA Gaza team members and staff, as well as NRC Child Protection and GBV Development Program Manager, a local CBO partner, local and international women's rights groups, GBV, human rights, and legal aid organizations and agencies, 3 male mukhtars, 2 female mukhtars,⁴ project implementing partners, and one focus group of 5 women arranged by a local CBO. The GBV section benefitted analytically from a consultant who had conducted a similar assessment on links between women's HLP rights and GBV in Liberia for NRC ICLA Liberia, and drew from NRC's report titled "Life Can Change: Securing housing, land, and property rights for displaced women." Due to circumstances beyond the control of those involved, the duration of the field mission was limited to eight days, and many follow-up interviews and discussions were not possible.

"Palestine is a conservative and patriarchal society. Islamic law and the Palestinian legal system do not officially prevent women from owning or leasing homes. However, cultural attitudes mean that men are the named individual on official documents relating to land and housing tenure or ownership. This means that it is through relationships with husbands, fathers and brothers that the majority of Palestinian women secure housing tenure."

Source: <http://womenshlp.nrc.no/countries/palestine-gaza/>

Activities and Good Practices on Protecting and Promoting Women's HLP Rights using Community Based approaches

ICLA's project "Promotion and Improvement of Housing, Land and Property Rights for Women in the Gaza Strip" seeks to promote women's empowerment in accessing and exercising their HLP rights in the Gaza Strip. The project seeks to enhance the protection of the HLP rights of women and vulnerable communities through: (1) improved access, information, and advocacy in relation to their HLP rights; and (2) enhancing the role of civil society in monitoring, reporting and responding to women's HLP issues. The specific activities and steps taken to ensure meaningful benefit and participation of women are provided below along with good practice tips and recommendations for each.

i. Providing legal counselling services through mobile legal clinics with CBOs

Under this activity, the project works directly with local community-based organizations and provides legal counselling services to female constituents who face housing, land, property, or

⁴ Mukhtars are traditional family leaders and clan elders. They are typically the first actors approached for assistance in dispute resolution. There are many types of mukhtars (family, tribal, area, neighborhood, camp, city) though the majority are family mukhtars. All must be appointed by the Department of Tribes and Reform within the Ministry of Interior, though in practice they may also receive their position through succession. See NRC (2012) "Customary Dispute Resolution Mechanisms in the Gaza Strip" at 25-26.

inheritance-related issues. The legal counselling activity is at the core of the ICLA program on women's HLP and ties into all other activities. Legal counseling for women with regard to their property rights is an important element for ensuring that women's rights are realized in practice, and for ensuring that women have equal access to the justice mechanisms that exist.

Legal Counselling is one-to-one advice to a beneficiary on how to overcome obstacles to durable solutions, what institutions can assist in addressing protection gaps (referrals), and/or how to address legal issues, including obtaining their rights and entitlements. It is a step beyond information on durable solutions or rights because it entails a degree of analysis of the problems faced by the beneficiary and includes advice on what is the best possible course of action to solve a particular problem. It may require more than one interview with the beneficiary and it may entail making contact with institutions or third parties.

At this stage, the legal counselling provided by ICLA women's HLP team generally covers information that helps women understand what their rights are under the current civil and religious legal frameworks, and helps women understand their options for addressing their housing, land, and property rights complaints, in all possible forums (i.e. with family members, mukhtars, administrative bodies, and judicial bodies).

Related legal services are provided by a number⁵ of other organizations in the Gaza strip, including United Nations Development Programme, Palestinian Center for Human Rights, and others. In its role on the Legal Task Force (see below, vi) the ICLA program learns from and shares its research, learning and practice with those actors.

Good practice/recommendation

- Legal counselling services are a foundational element of securing women's HLP rights.

Legal counselling coupled with other interventions helps women individually but also can support systemic change. Through its legal counselling services, the ICLA program remains connected to women in different communities in Gaza and to the issues that they face with respect to HLP rights in a climate where land and housing rights pressures change with changing political and humanitarian circumstances. The counselling services are the entry point of the project to women and men, and provision of counselling services provides a connection to many more women than would be reached through legal representation alone. The counselling services also provide a window into the non-legal issues that women face in exercising their HLP rights, and provide the foundation for responsive programming to address the related social and cultural obstacles. Finally, they enable a nuanced understanding of the effects of conflict on women.

- ii. Organizing legal information sessions on HLP rights for both women and men, in coordination with CBOs

Focusing on the most vulnerable communities (here vulnerability is defined as those communities that are rural or have suffered significantly from the most recent Israeli military offensives in Gaza), the program provides legal information sessions for women and men on HLP rights matters, including inheritance, and provide entry points into legal counselling and legal assistance (see above, section i). The information sessions are mostly held separately for men and women, though sometimes the two are held together if it is determined appropriate by a needs assessment done

⁵ NRC's ICLA team have developed a service and support map of 28 different legal aid and legal service providers in Gaza.

before the information session is held. The sessions are typically held between 10 am and 12 pm, which helps ensure that women can attend, as this is when children are in school. While numbers of attendees are tracked, the ICLA program does not track information on what portion of the community is reached by these information sessions, though they do have some measures in place to ensure that the same people are not attending same sessions. Participants are mobilized through local CBO partners, who must show that they have at least 30 people interested in attending before the session is held.

Legal information sessions are either held by the ICLA team or by PCDCR in coordination with CBOs. In the early stages, the ICLA team mentored and provided quality assurance support to the PCDCR until they felt comfortable on their own. When PCDCR leads the focus is greater on disputes on inheritance and involving mukhtars, and when the ICLA team leads the focus is more generally under the umbrella of HLP rights.

Good practices/Recommendations

- Legal information is necessary but not sufficient.

Like legal counselling, legal information sessions can be a critical first step in building awareness and trust with women and men in communities with regard to women's HLP rights. Working with partners helps to establish credibility and trust. Given the sensitive family issues that arise when dealing with women's HLP rights, and the pressures that many are under due to the conflict and high unemployment and economic opportunities, this is very important. NRC ICLA recognizes that legal information and awareness is necessary but not sufficient, and links the information sessions to legal assistance helps to round out the legal service.

- Consider a stronger and deeper focus on women's HLP and complementary rights and needs

There is a clear lack of legal information and connection to support services for women in Gaza, especially in more remote areas. The topics that NRC ICLA cover in their legal information sessions are broad, which may be necessary as a starting place but could be deepened to focus on some of the more specific challenges that women face with regard to the HLP. This could include helping women understand what evidence and documentation they should collect to help support a future claim of HLP rights, even before a dispute arises, such as documenting financial contributions to the marital home and life, in case of widowhood or divorce.

- Integrating GBV actors into existing sessions

It could also be worthwhile to include GBV actors in some legal information sessions. In some respects legal information sessions may appear less controversial than sessions with the community on GBV; this being so, GBV actors could use the legal information sessions as a forum as an additional entry-point for their work, but also to open the discussion on addressing any future GBV issues that might arise in the context of women exercising their HLP rights. Through this integration of GBV and ICLA perspectives, monitoring and evaluation or risk identification tools can be updated to identify and track instances where GBV and HLP issues arise at the same time.

- Understand who attends information sessions to ensure diverse groups of women are reached.

It might be helpful to assess who from the community attends these information sessions, especially which portion of the women. There may be certain “categories” of women who are more vulnerable than others (for instance, a younger, divorced woman without children as compared to an older mother-in-law) and it cannot be assumed that information will be shared among women, especially if it relates to competing claims of rights to HLP within a household.

- iii. Providing legal assistance for women facing difficulties exercising their HLP rights before relevant traditional, administrative, and judicial bodies.

Legal assistance for NRC ICLA includes legal representation in the formal courts and the use of collaborative dispute resolution mechanisms. Legal assistance is a modality of support to an individual beneficiary or group of beneficiaries that implies using a legal methodology to solve a problem. A principal difference with information and counselling is that in those modalities the beneficiaries may solve the problems by themselves while in legal assistance cases, further NRC intervention or representation is required.

If a woman who has received legal counselling under the first activity chooses to, she may then also seek legal assistance. Legal representation will be provided by ICLA lawyers directly if it relates to land registration and/or proof of ownership through the Legal Aid Center and Mobile Legal Clinics coordinated with Community Based Organisations (CBOs).

Using collaborative dispute resolution mechanisms is the form of legal assistance provided by ICLA partner Palestinian Center for Democracy, Conflict Resolution (PCDCR), if it involves a dispute over housing, land, and property rights (including inheritance). Working with mukhtars first, PCDCR attempts to bring the parties together to resolve the issue among themselves.

Collaborative dispute resolution with mukhtars is important because it recognizes that the overwhelming majority of HLP issues relate in some way to inheritance, or deal with family relationships in some way, and mukhtars are a culturally and socially acceptable mechanism for addressing family matters. In this way, mukhtar-resolved disputes may be better at maintaining family harmony than if a dispute was resolved in the formal system. In addition, while they still may take a long time to resolve, mukhtar-resolved disputes take less time and cost less than a dispute that goes through the formal system.

However, there are several drawbacks to using mukhtars. There are procedural issues, as there are no enforcement mechanisms to implement the decisions of the mukhtar. Typically, the social status of the mukhtars and their role of influence in families aid compliance with agreements that they help mediate.⁶ When this does not work, the threat of possible legal action by referral to ICLA from the mukhtars can aid agreement. Decisions made with a mukhtar are not legally binding, but part of the training provided under (iv) below focuses on ensuring that agreements made with mukhtars present are clearly documented, and also works with the judiciary (civil and Shari’a) to improve the validity of the mukhtar-endorsed written agreements as evidence, should the case proceed to court.

Mukhtar decisions may also not be best for women. Mukhtars are not trained on civil or religious laws, and if a woman brings an issue to a mukhtar the focus of the resolution will usually be on maintaining social harmony, rather than on only enforcing the law. Since many, but not all, mukhtars will be related to the women who go to them, the familial perspective may trump the best interests of the woman. Furthermore, mukhtars are subject to the same cultural beliefs and cultural

⁶ Id at 25.

norms that place women's interests as inferior to those of men, and may not see promoting women's interests as important or as a priority when faced with other social challenges. And while there are a few female mukhtars they reportedly are less influential at this time than their male counterparts. To address these gender-based issues that arise when working with mukhtars as dispute resolution actors, the ICLA HLP program conducts training for mukhtars (see below, iv).

Moreover, even taking an issue to a mukhtar can be socially risky for women, especially if it is to exercise a right as against a male family member. Specifically, when a woman challenges the status quo, she risks exclusion from her family and community, threats or actual violence against herself or her children, and economic violence through loss of family financial and subsistence support. In the face of these risks, it may be that those women who are most socially marginalized or those who are most likely to rely entirely on social capital for survival will not take even the step of taking a dispute to a mukhtar. On the other hand, while it is true that given cultural norms in the Gaza strip, women are more likely to bear the responsibility of maintaining social harmony and therefore are more likely to agree to less than what they are legally entitled to, it is also true that it is unlikely that a woman would pursue her HLP rights at all if it were not via the socially sanctioned mukhtars. Recognizing these constraints, the ICLA HLP program and partners conduct information-sharing workshops and training (see below) and also have chosen and worked with some female mukhtars for the first time (see below).

Good practices/recommendations

- Work with but recognize the limitations of traditional justice mechanisms.

Working with customary justice mechanisms is a way to ensure timely resolution of disputes, may be more accessible to women than more formal mechanisms, and may result in resolutions which are more socially acceptable. To help ensure that using customary justice does not further entrench women's weaker social position, it is important to recognize the limitations of traditional justice and design programming around mitigating those limitations, such as through training of mukhtars, tackling broader social and cultural obstacles, and working with female mukhtars.

- Create space for women to play a role in male-dominated justice mechanisms.

Recognizing the flexibility and adaptability of customary justice systems is a positive step. The project is doing this by introducing and supporting the concept of female mukhtars.

- Listen to women.

It is important to frequently assess the experience of women themselves and understand from them directly their preferences on legal pathways to resolving their HLP disputes.

- Make connections with GBV actors

Because of the links between exercising HLP rights and threats of gender-based violence, there is room in the ICLA program to engage GBV actors who can help address the social and physical risks that women can face in the context of seeking help from a mukhtar.

- Recognize the costs to the mukhtars of playing such a role.

The right balance has to be struck between further reliance on mukhtars to fill gaps in the justice system and compensation for the time, effort, and commitment of the mukhtars. It may be unfair

and unrealistic to expect that mukhtars will continue to take on more responsibility without duly compensating them, and could open the door to undue influence of parties. The question of sustainability; compensation may facilitate longer term engagement of mukhtars providing the incentive to continue to work on these issues beyond the life of the program.

- iv. Providing legal training on women's HLP rights to legal practitioners and both female and male mukhtars.

Mukhtars are a socially sanctioned first or early step in resolving any dispute that arises within families. Outside of training provided by PCDCR through the NRC ICLA program, mukhtars are generally not legally trained. Legal practitioners in both civil and Shari'a sectors have received legal training by NRC, but are very often not well informed about how to address the highly complex and layered HLP rights issues in Gaza Strip, which are complicated by the ongoing conflict and reconstruction efforts. Moreover, neither group has historically been focused on ensuring and promoting the rights of women.

Under this activity, legal practitioners and mukhtars receive a one time, two-day training. The training is not focused entirely on women's rights, but certain sections are dedicated to women's rights to inheritance under Shari'a and civil law. The training lasts two days. The first day is based on the theory of HLP, International Humanitarian Law, Human Rights Law, historical background of HLP laws in Gaza, land types, how to obtain ownership, and the like. Depending on the types of legal issues in the particular area where the training is taking place, there may also be sessions on inheritance, reconstruction of Gaza, land ownership documentation, contracts, adverse possession, and inheritance. The second day focuses on procedures for registering land rights, challenges to assessing HLP in Gaza, and ends with group work and role playing exercises to engage with the materials. A follow-up training is provided for students (not for mukhtars) on drafting contracts, power of attorney, how to build a lawsuit, and other legal skills development.

The mukhtar training includes portions dedicated to HLP rights matters under civil and religious laws, and issues related to women's HLP rights are woven throughout. It also includes training on mediation and negotiation approaches, run by NRC and PCDCR. The project team acknowledges that the trainings would be improved by being held more often and perhaps reinforced through follow-up courses, or held over a longer period so that information covered in the training would be more likely to be internalized by participants. The team also recognizes that the content of the trainings should be broadened and contain specific sessions on women's HLP rights, and a plan was put in place to revise the training modules to reflect these changes. However, the conflict in 2014 caused an increase in the ICLA HLP team's caseload, and they had to dedicate resources to addressing those immediate issues rather than update training materials.

The addition of female mukhtars is novel for the Gaza Strip. As part of the project, women showing particular promise or interest were selected to be trained as mukhtars. There was some resistance to this role by the established male mukhtars, though they are now seen generally as being helpful to resolving disputes by their male counterparts. Female mukhtars appreciate learning from the approaches and experience of their male counterparts, especially in the role-playing portions of the training. The portion of the ICLA HLP funding dedicated to working with female mukhtars was a proof of concept but does not have long term funding.

The idea for adding female mukhtars was developed because it was thought that there are certain sensitive matters that women will find easier to speak about with other women, rather than with men. In theory, introducing female mukhtars makes this justice mechanism would be more socially accessible to women. However, in practice, female mukhtars have some limitations, including that

their decisions may not be given the same weight as those of their male counterparts. For instance, female mukhtars do not issue formal decisions, as their male counterparts do, and if they do issue formal decisions they will not be accepted by the formal authorities, other mukhtars, or community leaders outside of their circle of acquaintances. Moreover, decisions of a female mukhtar are often not accepted by the community unless they are communicated by a male mukhtar. In practice this means that the community will believe the decision was issued by a male mukhtar unless the dispute dealt with issues between two women.

The addition of female mukhtars can also help shift social norms about women's roles in the community and that women's interests and needs may be different and should be treated differently than those of men.

Good practice/Recommendation

- Provide legal capacity to those already playing a dispute resolution role.

Providing legal training to customary dispute resolution actors helps to address entrenched biases or social norms that work against women's HLP rights.

- Training techniques should be designed to address legal capacity as well as social biases.

Role playing is a positive way for trainees to engage with the training materials in simulated real world situations, but to enable a true transformation of the gender biased mindset, more is needed. Consider expanding the training for a longer time, with more contact over a greater period of time, especially with trainees who are identified as strongly supporting women's HLP rights.

- Continue working with female dispute resolution actors.

Working with women in a dispute resolution role can help better ensure women's access to justice and can help shift social norms. However, it also requires a change of mindsets and attitudes of women and men in the community and requires long term commitment of resources for the effects to be internalized. One way to address this might be to include quotas or targets for women's participation in existing efforts. However, quotas for women's participation alone are not sufficient to ensure that women's interests are protected and enforced. Supplementary support may be needed for women who have historically been excluded from such roles, such as skills and training on public speaking, negotiation, and conciliation. However, quotas can an important first step towards shifting the gender balance on decision-making bodies.

- Consider the "next generation" of women's HLP experts.

Training legal practitioners is important to help sustain the expertise of the ICLA team beyond the life of the program, especially in an area that is complex and for which there is little established precedence. Such training is best when it is supplemented with coaching and mentoring so that the substance of the training can be internalized by trainees and used when circumstances warrant it. In addition, part of the ICLA success in legal assistance is based on established reputation and trust in their credibility. For legal practitioners to pick up the mantle, a similar trust will also need to be established for them. Future programming might consider a deeper engagement with some legal practitioners that show particular interest or promise, and thus help to build the next generation of women's HLP advocates. This approach would be strengthened if it aimed for gender balance in the trainees, or perhaps considered working with more women than men so that skilled and respected women lawyers dominated the future practice area.

- Trainings that are adaptive and responsive will see greater results.

Consider further developing the evaluative mechanism of the training program to better appraise changes in knowledge, awareness, and attitudes to help ensure that key messages are internalized by participants and so that the program can continually grow and respond to needs of participants. Use this information to adapt training curriculum on an ongoing basis to ensure that it is responsive to the needs of the participants.

- v. Providing legal training placements within the NRC Legal Aid Centre for law students

Under this activity, the program provides coaching to law students who show interest in and capacity for improving their legal and technical skills in relation to women's HLP. While more limited in reach, the depth of training and capacity development of those legal students who take a placement with the NRC Legal Aid Center helps to ensure that the work of the Center can continue on beyond the life of the project. This approach is part of the sustainability strategy for the ICLA team to help ensure that HLP rights become part of the legal practice in Gaza.

Housing, land, and property rights issues for women are in general not simple, but in the context of Gaza are made more complicated by cultural and social norms, the situation of ongoing conflict, blockade, destruction of homes, and other economic and political pressures. These difficulties can and do change with the changing context, and deeper engagement of legal practitioners is one way to expand and sustain the expertise of the NRC ICLA team to respond to changing circumstances over time. However, in the context of economic difficulties and also low employment, recent graduates or students may need additional incentives – such as compensation – to commit the time that it takes to learn and engage on HLP issues.

Good practices/Recommendations

- Mentoring allows time for trainees to internalize lessons.

Hands-on skills and analysis training is the best way for students/trainees to truly internalize the new information they are receiving. It can also lay the groundwork for developing a community of practice on women's HLP rights in Gaza that will last beyond the life of the program.

- Consider expanding the reach of mentoring or extended training activities, and support that expansion with compensation or other incentives that ensure longer term commitments.

To help broaden the reach of ICLA Gaza's impact and help ensure sustainability of the lessons learned, consider extending the mentoring program, which is currently focused on students, to also include legal practitioners or even mukhtars who show interest and promise. Currently, legal practitioners can participate in training activities, and there was an attempt to offer practical training opportunities to lawyers who were interested. This was tested with two lawyers but did not last for the duration (one month) of the time, possibly because it limited their ability to continue practice and could therefore affect their earnings. In general working with lawyers can be more effective than working with students because of the experience of legal practice that they bring; however, working with practicing lawyers will require the right incentives to cover the income opportunities that might be lost.

- vi. Coordinating legal aid service providers through the Legal Task Force in Gaza.

The Legal Task Force falls under the Protection Cluster chaired by OHCHR. The coordination role is shared between NRC and UNDP Rule of Law Programme on a six-month rotation. The goal of the task force is to strengthen the impact of legal work being carried out by different actors in Gaza and to identify gaps in legal aid provision and to ensure that joint and complementary efforts are being undertaken. The Task Force brings together Palestinian and international partners with the aim of ensuring adequate coordination of efforts to improve access to and quality of legal aid and assistance for Palestinians in Gaza. The overriding focus of the LTF will be on legal developments from a protection perspective, with a particular focus on legal issues and interventions within Gaza. Among its activities are monitoring and tracking new laws, exchange of good practice and lessons learned, legal research analysis, capacity building of practitioners, and public outreach.

From a strategic perspective, playing a role with legal service providers can help ensure the sustainability of the NRC ICLA's work and results. The ICLA team's expertise is very highly respected among local and international organizations working in Gaza. In relation to its work on women's HLP, NRC ICLA program has used its role on the task force to validate its legal analyses on women's HLP reports, launch research reports, and develop the capacity of other service providers to specifically address women's rights and provide legal services to women. One noted success of the program has been the increased awareness among legal aid service providers of the relationship between HLP rights for women and the impact and responses to the wars and associated impacts on women.

Good Practices/Recommendations

- Capitalize on trust and reputation within the donor and NGO community.

Box XX. In 2013 NRC produced a report on women's HLP rights in Gaza. The report highly recommended UNRWA to provide security of tenure to women in the existing and proposed housing projects. It stated: *Provide Security of Tenure to Women in UNRWA Housing: Women in UNRWA housing, both existing and proposed, is held through usage contracts or "undertakings" that provide for a named applicant. Although the rest of the family is listed on these forms, it is clear that it is almost always the male who is named "head of household... serious and careful consideration must be given to ceasing this practice and including both husband and wife as named beneficiaries, thus providing security of tenure to both.*

Following a series of meetings with NRC-ICLA and UNRWA's Gender Unit in Gaza, the UNRWA legal team drafted the 'new' (amended) joint undertaking form that ensures that the housing unit provided is for the benefit of the *whole* family, thereby requesting both the male and female recipients to sign the undertaking form. The amended joint undertaking form was drafted by UNRWA and the ICLA-Gaza team provided substantial input at different stages of the drafting process, to ensure that the joint undertaking form is legally sound and respects women's rights to the housing unit.

By May 2015, the ICLA-Gaza team had conducted information sessions for the **449** families to ensure that they understand why changes have been made to the joint undertaking form and how it will protect the rights of all members of the family to adequate housing. In total, ICLA-Gaza has provided **18** information sessions to **861** persons (some families have other adults, often their children or siblings, living with them who will likely attend as well).

Source NRC (2013), Realities from the Ground: Women's Housing, Land and Property Rights, p94, available at <http://www.nrc.no/arch/img/9194678.pdf>

Sharing strategies and good practice with other legal service providers and coordinating efforts helps to avoid duplication of effort among legal service providers and also helps scale responses to new and emergent issues and pressing challenges that arise in the aftermath of conflict.

- Ensure that adequate budget for time and resources is available to support these efforts

NRC Gaza's role in the Legal Task Force is an important way for it to ensure the sustainability of its programming on women's HLP rights, to help support systemic change, and also to ensure best results for beneficiaries. As with all other activities, for such results to be realized resources must be budgeted to support these efforts, especially because coordinating involvement of other organizations who also likely suffer from the same time constraints and caseload pressure can be a difficult task, even when everyone sees the value in the work. Finding a way to provide the right incentives for all who participate (this is often in the form of budgetary support, but not always) is a key way to ensure the success of this strategy.

- vii. Coordination and technical support to local partners (e.g. PCDCR), technical support to Shelter Cluster members and other international organizations

Based on its reputation for technical knowledge and capacity to deliver, ICLA Gaza program provides technical support to partners that incorporates their knowledge and expertise on women's HLP rights. For example, NRC ICLA provides technical support to the Shelter Cluster in Gaza, including to UNRWA, UN-Habitat, and others. While this support is not limited to dealing with women's HLP issues, the ICLA team makes use of its knowledge on women's HLP in providing its support

Also, the ICLA program has partnered with UNHabitat to help provide legal technical support on a reconstruction project, and often provides training to shelter cluster site engineers on HLP rights issues, technical support to policy makers in Gaza on HLP post-offensive, and focal point training and support.

Part of this technical support includes action-based advocacy with other projects in Gaza and within the donor community by addressing gaps in research and knowledge and writing technical briefs. The ICLA program on women's HLP has conducted the first of its kind research that is widely used by many in Gaza to help support their work. The topics include research on women's HLP rights, including the legal framework; the effects of the 2014 offensive on women and their HLP rights; land and property laws of the Gaza strip; traditional dispute resolution in Gaza; and informational sheets on a diverse range of property rights related topics not limited to but including women's rights. For example, legal fact sheets were produced by ICLA and provided to international and local organizations with titles such as "Pre-fabricated Structures in Gaza," "Registering Land in Gaza" "Unregistered Private Land in Gaza" and "Rental Rights and Responsibilities in Gaza." These reference the importance of respecting, protecting, and fulfilling the rights of women within the context of humanitarian aid, and, where relevant, advise that any documents that are created as part of the process (e.g. contracts for pre-fabricated housing, rental agreements, registration documentation) should be signed by both female and male household members.

The ICLA program's reputation for expertise on these matters is very strong among local authorities, UN/INGOs, civil society, and others, who rely heavily on the program to play this role. Their research and advocacy efforts are effective on two different levels. First, they help raise awareness of women's HLP issues grounded in their day-to-day interactions with women in Gazan communities. For instance, through its experience in legal counselling and its research, the program identified a need for a change in UNRWA procedures and policies related to documenting rights to

reconstructed homes. Second, their recommendations are likely to be adopted because the ICLA program is trusted to provide the legal technical know-how to realize the recommendation made (see Box). The program was then able to provide legal technical assistance needed to turn the recommendation into a shift in policy and practice at UNRWA, with immediate impact. NRC ICLA was influential because it is a trusted source and had conducted credible research.

Good practices/Recommendations

- Recommendations are more likely adopted when build on trust and backed up with technical support to implement them.

The value of the ICLA team's advocacy on technical issues is that it can substantiate its recommendations with evidence from its research and it can provide technical backup to help implement recommendations that it makes. It is also important in this process that the ICLA program has a reputation that is trusted. Women's rights to HLP are highly complex, sensitive, and contentious, and for agencies who are not specialists in these issues, tackling them can be daunting, and may result in the issues not being addressed because they are considered too difficult or intractable. By coupling recommendation with technical expertise, the ICLA program makes it more likely that their recommendations will be adopted.

- viii. Organizing information-sharing workshops to affected women on HLP issues with PCDCR.

Under this activity, NRC and its partner PCDCR held twelve information-sharing workshops bringing together women who have not engaged with the program, strong, vocal women who have engaged with the program, and mukhtars, CBO leaders, and others to share their experience. By hearing from other women in a group setting, those women who might feel hopeless, unsure, or unclear on whether to pursue their rights to HLP can hear and learn from those who have already done so. The idea is that women who are experiencing issues will see that other women like them have exercised their rights and have prevailed. The information and sharing sessions provide a safe space, and offer psychological support; food is provided; and the environment is intended to be relaxed so that it will be memorable for women who rarely have opportunities to reflect with other women in a stress-free environment. These forums also offer an opportunity to provide more information to women about their HLP rights, and also to identify women who may need legal counselling and representation.

Good practices/Recommendations

- Create the space for women to hear from other women.

It is possible to extend the reach of program efforts by creating the right spaces for those who have been benefitted from the process to share their experiences. The information-sharing sessions help to strengthen the social legitimacy for women to exercise rights to HLP and can help reduce the social stigma around it. Since women's HLP issues are also social and familial issues, gaining social acceptance for stronger HLP rights for women is an important piece of the puzzle. It should be noted that often when women are exercising their rights to HLP they are doing so against women in the community (their sisters-in-law and mothers-in-law) as well as against men in their community or family. Thus the community conversation aspect of this activity can help make that process more successful for all women.

- Meaningfully engage men on women's HLP rights.

Since men are usually involved in any matter related to women's HLP, it could be helpful to hold group sessions similar to the above for men, lead by men who have agreed to allow their sisters, mothers, or daughter to the rights to HLP, and who can explain that process, and how it was beneficial to them and their families. This could be taken a step further by finding ways to celebrate the efforts of men who support women's HLP within their community. While it may be considered unfair to women if men are celebrated merely for following the law, supporting positive social pressure on men to behave in ways that will ensure better outcomes for women's HLP rights could be helpful in the long run. Engaging men at the onset may have the effect of stymieing any opposition from men, by having them be personally invested in helping women exercise their rights. This is important because men can often feel threatened when programs of any nature work just with women, and can it be a source of violence in relationships.

It could also be helpful to work with other influential people in the community who can help explain the potential economic, social, and community benefits that accrue when women are empowered with stronger HLP rights, or to work with religious leaders such as *Imams* or *sheiks* to incorporate Shari'a rules of inheritance and respect for the rights of women into their sermons (*khutab*).

- ix. Organizing policy days on women's HLP issues with local authorities, UN/INGOs, civil society

The policy-day activities are focused on working with civil and Shari'a judicial actors, judges, decision makers, and others to advocate for changes in procedures or processes that will help better protect women's HLP in practice. Policy days are meant to help inform systemic change, beyond the activities of the project, and also to gain buy-in from those who will be impacted by or can impact the work for the project, especially in the justice sector. They also help establish credibility of the project's activities and approach and support sustainability efforts, in terms of changes in perceptions and behavior. For instance, in these policy days the ICLA program and PCDCR worked to help legitimate the role of the mukhtar in resolving disputes by developing a way to document mukhtar decisions that can then be used as evidence should the same case go to court.

The policy days have covered different issues and have been well-attended. For instance, the first policy day, conducted in May 2014, targeted 54 persons from local authorities, formal courts, UN/INGOs and civil society and discussed challenges women faced in claiming their inheritance rights through the formal courts and how to ease the procedures taking women's vulnerability into account.

The second policy day was conducted in October 2014 after the 50-day conflict, and discussed the impact of HLP violations related to recent conflict on IDPs and recommended that all relevant stakeholders work together and coordinate their responses to support the huge number of IDPs and mitigate the effects of conflict on them through better coordination and clear process and procedures which include the registration of IDPs, removal of rubble, the role of municipalities, Temporary Shelter Displacement Sites options, and rental subsidies.

The third policy day event was conducted in November 2014 and focused on the challenges widowed women and orphans are facing in accessing their HLP rights in the light of the recent 50-day conflict. Approximately 30 persons attended the policy day event from the Supreme Justice Council, Shari'a courts, Ministry of Waq'f Religious Affairs and NGOs representatives.

The forth policy day was conducted in December 2014 and focused on HLP and inheritance between legal system and practices.

Good practices/Recommendations

- Connect “bottom up” with “top down”

Bringing issues identified and addressed on the ground with individuals to the policy level is an effective way to help address systemic, structural, and/or procedural obstacles to women’s HLP rights. This type of activity can also be informed by and make use of research reports and other data that are collected through other activities. To be truly effective, aims to affect policy change must be sustained, and have long-term support. This type of change can involve changing institutional culture and practice, and it can take time to build trust with the policy-makers whose opinions and practice must be changed. This also requires dedicated budget resources and time resources.

- Take further steps to ensure the effectiveness of policy days.

It is not clear whether the policy days have had the long term effect intended. One way to help ensure that they are effective is to work to develop a relationship with a key influential figure in the justice sector who can become expert in the issues and then champion the project and its related policy issues and have that person use their influence on others. Other steps may involve having those whom the project seeks to affect engage with issues directly themselves, perhaps by attending legal information sessions, counseling, training, or other activities. This way they are not just hearing about them in the abstract but can engage directly.

- x. Disseminating information through media and advocacy initiatives to raise awareness and knowledge of women’s HLP issues through radio episodes and other media outlets

Under this activity ICLA and its partner PCDCR organized radio talk shows on topics related to women’s HLP rights. Sometimes these were run by mukhtars and other times they were run by lawyers and judges. The latter were perceived as more effective because of their esteemed role and status. Overall, both PCDCR and ICLA team believe that the radio topics are a good idea but could be improved upon by working on different stations that are more accessible and are of greater interest to more people. For example, the programs may have extended their reach if they were on an entertainment rather than a news station. Also, with ongoing electricity issues, the message may have a technical impediment to its reach.

Good practice/Recommendations

- Choose the media/forum that will have the most effect for the most people.

Radio is commonly listened to in Gaza, though this activity may be more effective if there were better data on the audience and whether radio (or certain radio stations) are the most effective means to reach the most people. Whichever medium is selected, ensure that women and men both have access to it and that both rely on it as source of information.

- Consider working with other influential people/platforms who can help support social change.

Broadly cast outreach that seeks to influence public perceptions and opinions on sensitive social issues, such as this, can also be done through other media or forum and by taking diverse content approaches. Within any given community, not all people will be attracted to the same thing. Thus, it could be helpful to run concurrent awareness campaigns, perhaps working through preachers at

mosques, alongside radio call-in shows on a talk-based radio channel, and also radio-plays on an entertainment based radio channel. Finding and working with local people of influence who can champion the issues is very effective especially when dealing with issues of social stigma and pressure.

- xi. Leveraging women's HLP rights expertise and programming with NRC's shelter cluster leadership activities

The Palestine Shelter Cluster is lead by NRC. The goal of the Shelter Cluster is to provide people affected by man-made and natural disasters in East Jerusalem, West Bank, and Gaza with the means to live in safe, dignified, and appropriate shelter. The Shelter Cluster works with everyone who is involved in providing shelter and basic household items. These Shelter Cluster partners include the government, UN agencies, international and local NGOs, civil society organizations, the Red Cross Red Crescent Movement, academia, and donors. The Shelter Cluster helps all shelter actors work together better, so that the people who need shelter assistance get help faster and receive the right kind of assistance. The team makes every effort to involve the affected people and their communities in decisions related to the shelter response.

NRC is Shelter Cluster lead and also conducts work on women's HLP, providing a key opportunity to link the two programmatic areas. Shelter Cluster advocates for the consideration of HLP rights in shelter activities, and tries to provide related information to shelter members. Shelter members were trained in women's HLP rights by the ICLA team and the ICLA team also provides technical support in solving ownership issues that arise in the context of shelter support. This can result in beneficiaries receiving reconstruction assistance from various members of the Cluster.

The integration of shelter and HLP activities has seen some good results for women. Women's HLP rights were taken into consideration by the Cluster, with positive changes taken by some member organizations, including the prioritization of female headed households in shelter assistance and the recommendation that both spouses sign UNRWA agreements to guarantee they are well informed about the assistance. Additionally, consultation with women has become one of the main practices of shelter members at many stages of the implementation of shelter projects, including involvement in focus group discussions and in determining the architectural design of the house (including preferences in the kitchens, toilets, tiles, and painting). The ICLA women's HLP program has provided support to these shelter activities through activities related to legal counseling and ownership documentation, as well as the advocacy and research products, manuals, factsheets, and reports that help guide thinking and practice of shelter cluster members.

Good Practice/Recommendations

- Take advantage of natural overlap in activities across the NRC's operations

The ICLA and Shelter Cluster coordination is a good example of how activities in the same organization can be mutually supportive. Drawing on the expertise and reputation of each program can help to further strengthen both programs and ensure that women who are at most risk for dire HLP issues are provided the best support possible. It also allows for time and resource efficiency by working with beneficiaries at the time when they are already receiving support.

- Consider scaling up for deeper integration into the shelter cluster

Because of the significant potential of leveraging the ICLA expertise on HLP rights and its direct connection to shelter-related activities for women, scaling up integration would be beneficial.

Taking advantage of the Shelter Cluster's reach and extensive contact with beneficiaries, deeper integration of women's HLP services would also allow for greater reach of ICLA activities. One way to do this might be to second ICLA staff into a Shelter Cluster member's operations for a short period of time so that they can do an action-based assessment of potential women's HLP rights challenges that might not be evident to someone without their specific HLP expertise. The same could be done with a staff person of a Shelter Cluster member. The ultimate goal would be to ensure that all contact that either ICLA or Shelter Cluster member contact with beneficiaries has maximized technical support.

Links between Women's HLP Rights and Gender Based Violence in Gaza

i. Why the link between women's HLP and GBV matters

Gender-based violence (GBV) is a leading human rights violation.⁷ The World Health Organization estimates that 35 percent of women globally have experienced intimate partner violence or sexual violence, and that one in three women experiences some form of GBV.⁸ Inter-Agency Standing Committee Task Force on Gender and Humanitarian Assistance defines GBV thus:

Gender-based Violence is an umbrella term for any harmful act that is perpetrated against a person's will, and that is based on socially ascribed (gender) differences between males and females.... The nature and extent of specific types of GBV vary across cultures, countries, and regions. Examples include:

- Sexual violence, including sexual exploitation/abuse and forced prostitution
- Domestic violence
- Trafficking
- Forced/early marriage
- Harmful traditional practices such as female genital mutilation, honour killings, widow inheritance, and others.⁹

While there has been some recent research which indicates that there may be a relationship between GBV and HLP rights, that relationship is not well understood and has not been fully explored.¹⁰ The most robust research on GBV and HLP rights for women comes from India, and while this research is important there are limitations to applying its findings to other contexts. What is clear is that there does exist a relationship and a correlation, one which is highly variable and context- and culture-dependent.

There are two major ways GBV correlates with HLP rights for women: stronger HLP rights can contribute to primary prevention of GBV by increasing a woman's economic independence and her

⁷ UNFPA. Gender based violence: Overview. <http://www.unfpa.org/gender-based-violence>

⁸ World Health Organization (WHO). (2014). Violence against women: Intimate partner and sexual violence against women. Fact sheet No. 239. URL: <http://www.who.int/mediacentre/factsheets/fs239/en/>.

⁹ Inter-Agency Standing Committee (2005) Guidelines for Gender-Based Violence Interventions in Humanitarian Settings: Focusing on Prevention of and Response to Sexual Violence in Emergencies (Field Test Version) Geneva: Inter-Agency Standing Committee.

¹⁰ Hughes, A. and Richardson, A. (2015). The Link Between Land and Gender-Based Violence. <http://www.usaidlandtenure.net/commentary/2015/03/link-between-land-and-gender-based-violence>.

bargaining power,¹¹ and strengthening HLP rights can be correlated with heightening a woman's exposure to GBV.¹² Furthermore, in an economic sense, violation of a woman's HLP rights is in itself a form of GBV.

Most available research, which primarily comes from India, shows that increasing women's security over HLP leads to a reduction in GBV, both societal and intimate. Secure HLP rights for women can over time contribute to positive changes in social norms, raising women's status within families and within their communities, which can prevent violence before it starts. A 2005 study in Kerala, India found that women who owned their own homes had a lower risk of marital violence than women who did not own a house and land,¹³ and a later study in Uttar Pradesh found that "women's ownership of property has a large effect on reducing violence."¹⁴

At the same time, the correlation between GBV and women's land and property rights is complex and context-specific. Much of the most robust research comes from India; it is therefore important not to assume that the same outcomes will hold true in all contexts. In fact, small. Small studies in Ecuador and Ghana have found that the effects of property ownership on GBV depend on the cultural context.¹⁵ A study in Columbia found that women without physical assets (as opposed to other types of assets) were not able to address IPV effectively; property ownership thus was necessary but was not always sufficient alone for women to address IPV.¹⁶ A study in Liberia found that the primary form of overlap between GBV and HLP rights was violence related to how household economic assets (including cash, housing, and moveable property) were divided: men used women's lack of formal and customary HLP protection to control such assets and therefore physically control women. If they perceived their power to be threatened or questioned, they sometimes used physical or sexual violence as a form of reprisal or control.¹⁷

ii. Findings related to link between women's HLP rights and GBV

The relationship between women's rights to housing, land, and property (including inheritance) and GBV are firmly layered among other social, economic, cultural, and conflict-related obstacles that women face in Gaza. Although exact numbers of GBV incidences is unknown, particularly given that the majority of women do not report GBV, it is widely accepted that GBV is common in Gaza¹⁸ and women's rights to HLP are weak. In most circumstances it would be difficult to show a causal link without deeper research than was permitted for this report, however, among practitioners in Gaza, advocates, and community workers there is anecdotal knowledge of the link, especially since both GBV and women's HLP operate within the context of personal, social, familial, economic, legal, and cultural relations, many of which place women in a weaker position than men.

¹¹ Giovarelli, R., Richardson, A., and Davis, A. (2010). Land Tenure, Property Rights, and HIV/AIDS: Approaches for Reducing Infection and Enhancing Economic Security. USAID Property Rights and Resource Governance Briefing Paper.

¹² Ezech, A. and Gage, A. Domestic violence in Uganda : evidence from qualitative and quantitative data.

¹³ Panda, P. and Agarwal, B. (2005.) "Marital Violence, Human Development and Women's Property Status in India," 33(5) WORLD DEVELOPMENT 850

¹⁴ Bhattacharya, Manasi, Bedi, Arjun S, and Chhachhi, Amrita. 2009. Marital Violence and Women's Employment and Property Status: Evidence from North Indian Villages. IZA Discussion Paper No. 4361.

¹⁵ Oduro, A., Deere, C. D., and Catanzarite, Z. (2012). "Assets, Wealth and Spousal Violence: Insights from Ecuador and Ghana," 12 GENDER ASSET GAP PROJECT WORKING PAPER.

¹⁶ <http://dx.doi.org/10.1080/13545700500508551>

¹⁷ Amanda Richardson and Leslie Hannay, 2013, Violence Against Women and Housing, Land and Property in Monrovia, Norwegian Refugee Council.

¹⁸ According to the Palestinian Census Bureau of Statistics, in 2010-2011 36.7% of Palestinian women (this includes women not in Gaza) were exposed to different types of violence by their husbands (including psychological, physical, sexual, and social abuse). See http://www.pcbs.gov.ps/Portals/_Rainbow/Documents/time%20vio_e.htm

With regard to the link between GBV and inheritance rights, women can be caught between the need to please their husbands and the need to not upset important links with their own families. Under Shari'a law, women can inherit property rights from their parents, and in a limited way from their husbands (1/8 for their deceased husband's estate if he has children, and 1/4 if he does not). Women may also gain other property rights in the marital relationship, such as via the marriage contract. Marriage practices in Gaza are patrilocal: women leave the parental home and move to the home of the spouse. In most cases, unless the marriage is within the family (which is less common today than it once was), the woman is a "foreigner" in her new home and her husband is a "foreigner" to her birth family. Women can be under significant pressure from their husbands to assert their right to inherit from their deceased father or family member, especially in the Gazan context of housing and land scarcity and the undercurrent of threats to property from military offensives. A husband may place this pressure on his wife because gaining these rights would be beneficial to the husband's household, and because he sees that any additional property in his household would be available to him because social norms dictate that men make household decisions including on how assets are used. This outcome, where family land that has been inherited by a daughter who has moved to live with her husband and is *de facto* in the hands of a "foreigner," is what her birth family is trying to prevent. In this way the birth family views a married sister gaining her inheritance as the family losing the land, housing, or property to an outsider rather than viewing it as a fair distribution of an estate among rightful heirs.

The property interests of husbands, birth families, and themselves put women in the middle of a tug of war. On the one hand, because of the lack of economic opportunity for women, including higher unemployment rates for women than men, cultural norms that put men as household heads, and social rules that have women obey their husbands, it is difficult for a woman to stand up against a husband if he is pressuring her to exercise her rights as an heir. Such circumstances may be a trigger for gender-based violence, for instance, if a woman does not obey her husband and exercise her inheritance right.

On the other hand, the same woman must maintain good relations with her birth family if she is to ensure that she has support should she be subjected to violence by her husband¹⁹ or abandoned, divorced, or widowed. All of these are common in Gaza, where divorce rates are high;²⁰ widowhood rates have been exacerbated by violent conflict; and abandonment by men is a reality given the high rates of unemployment and political pressures. This social protection from family members can come at the cost of a woman's independent rights as an heir and can also be a trigger for violence or threat of violence from her family members if she exercises her right or if in the future becomes a burden on her family because her husband has divorced her or because her home is destroyed by military action.

Another potential link between women's HLP rights and GBV relates to the fact that an asset in her name can provide a woman with options to make independent decisions should she need to leave a violent situation, options that do not require reliance on family members. It was not clear from interviews conducted for this report whether this would be borne out in practice, though many practitioners thought the link was relevant. For property rights related programming to assure this outcome more would be needed. To start, it would be necessary to identify ways to ensure that

¹⁹ Statistics suggest that a married woman in Palestine experiencing violence is much more likely to go to her brother, relatives, or father's home if she experiences violence than seek help or counselling outside the family. In 2010/2011 30.2% married women went to their family for help, while 0.7% went to a women's organization or center for help. http://www.pcbs.gov.ps/Portals/_Rainbow/Documents/time%20vio_e.htm

²⁰ There were 43732 marriages in Palestine in 2014, and 7603 divorces that same year. See http://www.pcbs.gov.ps/Portals/_Rainbow/Documents/Vs-2014-01e.htm.

whatever rights to property are gained via a legal-focused intervention would remain in her control after the intervention.

Inheritance rights are also complicated by the limited rights that wives have to marital property within the legal framework in Gaza. In Gaza, while some heirs may inherit parcels of agricultural land, because of the restricted access imposed by Israeli forces in many agricultural areas up to 35% of agricultural land is unusable.²¹ In practice, heirs inherit a share in either agricultural or urban land and buildings, the value of which is paid out in cash when the inheritance is made. The fact that inheritance is paid as cash can create specific challenges for women in the Gaza context. First, in Gazan society men are likely to control household income, whether earned by themselves or their wives. In this way, the inheritance is likely to be controlled by the male in the household. Second, liquid assets such as cash could be used by the woman to pay for building, developing, or maintaining the family home – a need which is exacerbated by the destruction of homes and other property related to the conflict – yet, seeking HLP rights against a spouse is not common and not socially acceptable, despite the fact that a legal basis for doing so exists. This means that if a relationship ends by death or divorce, in practice women are not likely to be able take the value of their inheritance with them, as it in fact has become part of the assets of the husband.

When understood in these terms, without further intervention, exercising an inheritance has the potential to leave women worse off – having exhausted their social capital with family in exercising the right, and then losing the monetary value of the inheritance by using the funds to pay for household items which they have no future right to. This helps to explain the magnitude of the decision that a woman must make when she is faced with a pressure, violence, threats of violence, or psychological abuse from her husband to assert her rights on the one hand, and the loss of social protection from her brothers and other family members on the other.

Perhaps not as common today, and more common in certain parts of Gaza, another potential link between property rights and GBV was reported by respondents. With housing and land scarcity such a significant problem in Gaza, there are some women that are either forced to marry a cousin or family member, or are prevented from marrying, in order to keep property within the family. In this way, the coercion and deprivation of liberty that such circumstances placed on women can be considered violence, when understood in its broadest definition.

iii. Recommendations for addressing link between GBV and women's HLP in programming

Noting a lack of quantitative or causal evidence alone does not mean that the link between GBV and women's HLP rights is not strong. Practitioners and policy makers are cautioned against basing programs on too simplistic an explanation of the links between GBV and women's HLP and inadvertently harming women. Programming seeking to integrate awareness of the link between HLP and GBV must be aware both of the various ways GBV manifests and of the context-dependent correlations between HLP rights and GBV. Practitioners must also understand that both GBV and insecure HLP rights for women stem from the same source: the low social status of women, which in turn is exacerbated by gender-differentiated impacts of the conflict, poor economic opportunities, and land and housing scarcity. As projects and funders seek to incorporate GBV programming and concerns into HLP programming, they must be aware both of the ways HLP can help reduce GBV and of the ways increasing women's HLP rights might increase

²¹ Sanchez Bermudez, M, Cunial, L and Farmer, K, 2014, Life Can Change: Securing housing, land and property rights for displaced women, Norwegian Refugee Council. <http://womenshlp.nrc.no/wp-content/uploads/2014/03/GlobalReportWHLP.pdf>.

women's vulnerability to GBV. To that end, below are some good practices and recommendations to consider.

- Commit to addressing the underlying social and cultural issues that make insecure HLP rights for women and GBV permissible.

While HLP rights are critical to ensure women's human rights and dignity, and improving livelihoods, rights do not exist in isolation. Similarly, addressing GBV is fundamental to women's human rights, but without livelihood options and equitable rights to important assets, women will remain subject to the power and influence of men. For women to have more secure rights to HLP and for communities to reduce the likelihood of GBV, communities must change their attitudes, perceptions, and beliefs about women, about families, and about men. The reality of contemporary project funding mechanisms does not often allow for the time, effort, and resources that are needed to help facilitate this change. That said, NRC and others who have a strong reputation can advocate for donor support for activities that address this kind of social transformation.

- Incorporate research into HLP programming that considers GBV, and incorporate strategies into HLP programming to track and mitigate the risk of GBV through monitoring, evaluation, and continuous learning.

This includes building in GBV concerns into any research on women's HLP rights and ensuring that monitoring efforts track GBV concerns alongside those of HLP rights. Research and monitoring should also consider the correlation between GBV and various other issues, such as:

- HLP and displacement. When women are displaced due to conflict, HLP rights are often violated or lost. Post-conflict situations often involve both violations of HLP rights and heightened levels of other types of GBV.²² When HLP rights are being considered, it is important to research the multiple correlations, including whether it is more likely that HLP rights are insecure because of multiple displacement, and whether those correlated insecure rights then further correlate to GBV rates.
- The physical circumstances of shelter/housing. For example, research in Liberia shows that women's personal security is compromised when their physical circumstances are less secure.²³ Similarly, a report from Gaza indicates that a lack of building materials or finances to rebuild homes means many Palestinians who have returned home live in "unsafe and potentially dangerous conditions."²⁴ That is, the physical circumstances of women's shelter, such as its security and durability, may have more bearing on women's vulnerability to GBV than whether she has her name on a document. It is possible that this correlates with increased exposure to violence, both because unimproved homes may be less secure and because unimproved homes could lead to the neighborhood being perceived as violent. As noted, this is a real concern in Gaza, where many people are living in dangerous conditions or precariously, with friends and relatives.²⁵ Especially for

²² Sanchez Bermudez, M, Cunial, L and Farmer, K, 2014, Life Can Change: Securing housing, land and property rights for displaced women, Norwegian Refugee Council. <http://womenshlp.nrc.no/wp-content/uploads/2014/03/GlobalReportWHLP.pdf>.

²³ Amanda Richardson and Leslie Hannay, 2013, Violence Against Women and Housing, Land and Property in Monrovia, Norwegian Refugee Council.

²⁴ Rought Brooks, H, 2015, Gaza: The Impact of Conflict on Women, Norwegian Refugee Council.

²⁵ NRC (2014) Realities from the Ground: Women's Housing Land and Property Rights in the Gaza Strip, and NRC, (2015) Gaza: Impact of Conflict on Women

programs focused on documenting HLP rights, an awareness of types of housing and their security should be built in to the program.

- Women's reliance on men to exercise their HLP rights. Women's ability to exercise their HLP rights are often interlinked and even dependent on men: they may access HLP through their relationships with men, or be assured of control of HLP only because of those relationships. This leaves women vulnerable to GBV, especially IPV, and may make them less likely to leave violent relationships. Being aware of and addressing this reliance, through targeted education to change social norms and through economic interventions, is one way to empower women to overcome GBV both socially and economically.

- Better integrate GBV and women's HLP programming within NRC and also with other GBV actors.

There is an opportunity to better marry the twin objectives of preventing GBV and promoting and protecting women's HLP rights, with a focus on GBV prevention rather than GBV response.²⁶ Very often, GBV programming and HLP programming work in isolation, even though staff of each program may recognize that the issues encountered by both stem from the same socially and culturally determined gender roles and norms of behavior. In general, GBV programming tends to have a deeper experience in addressing the social norms that underpin women's low social status and related vulnerability to GBV, often by working with the whole community, engaging men and engaging women in groups. Programming on women's HLP rights tends to focus more on individual case work, and also on higher level policy change. A deeper understanding of the links between GBV and women's HLP suggests that if these two strands of programming were better integrated not only would their results be magnified, but the potential correlation between pursuit of rights on the one hand, and triggers for GBV on the other might be better managed.

- Work with women individually.

Since NRC's work on women's HLP involves contact with individual women, there is a chance that in the course of that work, they will learn of or suspect GBV threats or issue for particular clients. With the right training, HLP actors could learn how to flag this suspicion and then to refer the case to appropriate specialized GBV actors or services who may be able to assist. This could be a socially sensitive and would require extreme care and caution so as not to fuel an already dangerous situation.

- Work with women in groups.

Women's groups can provide women with emotional support, acceptance, empathy, affirmation, spirit of hope, and sharing of feelings; provision of factual information and sharing of experiential knowledge; development of a sense of community; and individual and collective empowerment. Some studies consider them the most effective means of reaching the rural poor.²⁷ Groups, especially those focused on savings, have been used throughout the world as a way of empowering women and securing women's HLP rights.²⁸

²⁶ For instance, today, only three countries out of 24 where NRC works have an existing GBV project.

²⁷ Bohong, L. (2014). Eradicate, Prevent All Forms of Violence Against Women, Girls.

<http://www.womenofchina.cn/womenofchina/html1/columnists/17/2920-1.htm>

²⁸ See, e.g., Castellani, C. (2014). Literature Review: Women's Empowerment. Economic and Social Participation in Africa. http://www.worlded.org/WEIInternet/inc/common/_download_pub.cfm?id=15182&lid=3

For women facing GBV, these groups can provide a space to recognize and work against GBV. As an example, NRC's WISE Women's groups in Liberia²⁹ are community groups in which community leaders and other members are trained about GBV and HLP rights and then pass on that training to the community.³⁰ In Liberia, these groups were identified by their communities as reducing violence, especially intimate partner violence.³¹

➤ Working with influential women in the community

Women who want to exercise their rights to land and their right to be free from violence will need information and support at the time the issue arises. If there are women in the community who understand the rights of women and are willing to help them exercise those rights, it is far more likely that vulnerable women will be able to enforce their rights. Identifying who in the community is already providing a service to women and educating those people can keep costs down and allow for broader impact. These women can serve as resources for both GBV and HLP issues.

➤ Work with GBV actors who already work with men in the community, focusing on community resilience.

GBV is a structural and systemic issue, one which women cannot eradicate alone. Studies have shown that involving men in community change efforts is an important tool to securing women's rights³² and that boys who are exposed to violence are much more likely to perpetrate violence.³³ Men's groups can have similar training to women's groups, incorporating additional discussions about masculinity and the role of men as allies.³⁴

Resilient Community approach An excellent example comes from CONCERN's "Engaging men to promote resilient communities" programme in Lebanon and Syria. The innovative approach adopts a 12 session course guided by a technical Guide, using interactive learning methods including role plays, case studies and guest speakers. It begins and ends with knowledge, attitude, and practice surveys to track progress, respond if certain aspects are not working as planned, and evaluate outcomes. Topics covered include constructing diverse masculinities, and addressing gender inequitable attitudes that permit violence against women, among other things. The course uses a non-violent communication technique and makes regular reference to the Quran. The programme is supplemented with local volunteers and the community is responsible for certain aspects of its delivery. Another pivotal part of the program is support for a community project that helps engender community resilience based on what is learned in the course.

Source: CONCERN Worldwide (2015), Concern Worldwide's 'Engaging men to Promote Community Resilience' Programme: The role of men in Gender Based Violence.

One promising approach for integrating women's HLP rights programming and GBV programming is to connect with existing GBV actors who use "resilient communities" approach to addressing GBV.³⁵ This approach works with men to help them be positive influences and role models in their families and communities. Recognizing that conflict and post-conflict situations can diminish male populations' traditional role as providers and protectors, it seeks to create a safe space for men to reflect, share and analyze their experiences

²⁹ Women's rights through Information, Sensitisation and Education (WISE)

³⁰ Norwegian Refugee Council, WISE Women fight Violence, <http://www.nrc.no/?did=9490694>

³¹ Amanda Richardson and Leslie Hannay, 2013, Violence Against Women and Housing, Land and Property in Monrovia, Norwegian Refugee Council.

³² CONCERN Worldwide (2015), Concern Worldwide's 'Engaging men to Promote Community Resilience' Programme: The role of men in Gender Based Violence.

³³ Children's Exposure to Violence (2011). <http://www.childtrends.org/?indicators=childrens-exposure-to-violence>

³⁴ See CONCERN Worldwide (2015), Concern Worldwide's 'Engaging men to Promote Community Resilience' Programme: The role of men in Gender Based Violence.

³⁵ CONCERN Worldwide (2015), Concern Worldwide's 'Engaging men to Promote Community Resilience' Programme: The role of men in Gender Based Violence.

and work together to develop skills for making changes. Though NRC may not undertake these activities specifically, it could engage or partner directly with GBV actors who have these skills. For instance, UNRWA's protection work appears to follow this similar model, and it reflects innovative good practice in GBV programming more generally. See Box 1 for one promising approach. Integrating women's HLP issues into such a program could be a powerful way to sensitively address two fundamental challenges that women in Gaza face.

- Bridge the expertise gap between GBV and HLP specialists.

NRC's ICLA programming in Gaza is designed to have a broad reach to women and men in communities, via partners, and directly. The program has built trust in many communities, and it may be able to capitalize on this trust to begin to integrate legal, rights-based, and service based information on GBV prevention into its outreach efforts. There may be an opportunity to bring GBV specialists along to legal information or counselling sessions so that GBV specialists can hear first hand the HLP issues and help make the GBV connections and then together with NRC ICLA stronger pathways for addressing GBV could be identified.

- Integrate community resilience techniques, gender inequitable attitudes, and alternative identifiers of masculinity into ICLA's training of mukhtars.

The ICLA program's work with mukhtars has been successful in working with established institutions to address the social and legal issues that arise in relation to women's HLP. Since mukhtars are close to the community, and their influence and reputation is already established, it could be helpful to have mukhtars engaged in the kinds of knowledge, attitude, and behavior change activities that are more common in GBV programming. This might involve multi-day, interactive learning that is based on the community resilience approach described in Box 1 above, or an adaptation thereof that helps mukhtars understand the workings of gender roles and social norms that can be the basis of both disputes of HLP as well as GBV. Such learning could strengthen their role in helping to foster social harmony, and might also give women and men other recourse when GBV-related triggers arise in the context of an HLP dispute.

Recommendations for NRC, Donor and NGO Community

Neither women's HLP rights nor GBV are simply legal issues: they are cultural, social, and economic as well. In situations where social restrictions on women are high, effective programming must address all these aspects. Each requires attention and resources. In circumstances of conflict or post-conflict these restrictions on women can be exacerbated by pressures from loss of housing, camp and non-camp displacement, lack of employment, and lack of hope. Men and women both feel these pressures, but the implications for women and men are determined by social norms and gender roles; they are thus individual, familial, and community issues.

1. To be most effective, actors must understand and address the personal, familial, and community obstacles to secure HLP rights for women. This means that efforts to provide legal support should be supplemented with efforts to address the social norms among women and men and should try to take steps to change them at the individual level, in groups, and with the whole community.
2. In a complex legal environment, such as in Gaza, where there are gaps and discrimination against women in law and practice, individual case work and client counselling are important, but also must feed into efforts to address systemic and programmatic change. Backing up policy and programming recommendations with technical expertise to carry out recommendations is a critical step in helping to ensure their adoption.

3. Partnership and training of local dispute resolution actors, law students, and legal practitioners can help ensure sustainability of programs, but the training should be deep and engaging because of the complexity of the issues. Mentoring is time and resource intensive, but can help broaden and sustain the good work of ICLA on women's HLP. Efforts should be made to track progress against goals of training, and adjust programs according to identified learning needs.
4. Obstacles to strengthening women's HLP rights and reducing GBV both stem from social norms and gender roles that dictate what is appropriate behavior for men and for women. Programming for each, especially programming that attempts to address knowledge, attitudes, and perceptions that condone GBV or create obstacles to women's secure HLP, should be better integrated with each other. Integration will capitalize on the good practice, established expertise, reputation, trust, and reach of each. To address social norms and gender roles, efforts must be made to address negative social norms and harmful gender roles, by having women and men engaged in creating a positive and resilient community. The ultimate programmatic aim should be to make it socially acceptable and normal for a women to exercise rights to HLP, and that it should be socially unacceptable for GBV to be perpetrated against women.
5. Working with customary justice mechanisms is a way to ensure timely resolution of disputes, may be more accessible to women than more formal mechanisms, and resolutions may be more socially acceptable. To help ensure that resorting to customary justice does not further entrench women's weaker social position, it is important to recognize the limitations of traditional justice and design programming around mitigating those limitations, such as through training of mukhtars, tackling broader social and cultural obstacles, and working with female mukhtars.
6. Use ICLA's reputation and influence in the donor and NGO community to raise awareness of the nuanced relationship between GBV and HLP rights, and the importance of collaboration to avoid inadvertent harm to women.
7. Donors should consider longer term project funding to allow the time and effort that is needed to address the underlying social and cultural norms that make GBV and insecure rights to HLP for women socially acceptable.