INCLUSIVE LAND ADMINISTRATION – THE CASE OF REPUBLIC GEODETIC AUTHORITY OF SERBIA

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Abstract

This paper is aimed to show the initiatives, plans and specific measures of Republic Geodetic Authority (hereinafter RGA) with a goal to promote and advance inclusive land administration what will be done through ongoing Real Estate Management Project supported by World Bank. The inclusive land administration component of the Project was directed to mobile services formation, renovation of local registration offices and raising awareness of women regarding their rights to own the properties. The mobile services are the local office’s services that reach out to people who need special assistance in land administration services. Collected gender-disaggregated data would be conducted to empower women to access, own and inherit properties. It would be used to support public awareness campaigns, and also to serve as a catalyst for evidence-based innovation and investment in addressing vulnerabilities in land administration. The paper shows the nowadays situation in Serbia, in the initial phase of the Project. It is planned to establish mobile services in 5 local registration offices, to increase percentage of local registration offices with physical access for those who need special assistance up to 10% and to raise awareness of women and society in general regarding the property rights and its possibilities in the next 4 years.

**Key Words:** Securing land rights for equity, inclusive land administration, mobile services, gender sensitive data, raising awareness, resilience
Introduction

Institutional and legal frameworks are established to provide equal possibilities to access and use state administration services for all citizens. However, situation in reality is not so simply and very often we are facing persons or groups that are not able to approach necessary service due to lack of information or even due to physical and other kind of barriers. RGA, as socially responsible institution oriented to the citizens has recognized this burning topic and decided to start initiative to increase the level of services provision to the vulnerable groups of citizens. Inclusive land administration is of primary importance for the vulnerable groups to obtain equal levels of convenience and access to services. Vulnerable groups make up a sizeable proportion of the population and therefore customers of RGA. For instance, more than 570,000 people in Serbia have disabilities\(^1\) and represent eight per cent of the population. The majority of them have a difficulty in physical movement, sight or hearing impairments. Nonetheless, acquired data shows that out of 171 local registration offices, 102 offices are not equipped with physical access for those who need special assistance. Although Serbia adopted the Law on Gender Equality in 2009, which seeks to ensure equal status of women and men, there is a gap between the law and actual situations. Gender disaggregated property rights data are collected from real estate database that is established and maintained by Republic Geodetic Authority and used for different analysis and maps creation. The data includes the percentage of women owners in land records per municipality and data regarding ownership acquisition, mortgage loans and co-ownership. The data on property ownership are disaggregated by national IDs. In the real estate database for the year 2014 52% of records had temporary ID which does not indicate gender of property owner; therefore the results are based on 48% of property records. In year 2016 number of permanent IDs has increased to 53% and right now we have more accurate analysis. In the year 2016, 41% properties were owned by women. This analysis is based on data with permanent IDs. The characteristics of women’s access to land ownership in Serbia show a significant discrepancy between regions. RGA data on the percentage of women with ownership in property reveals that in the municipalities of the northern Serbia, women have almost equal access to ownership, particularly characterized by 51 per cent of property owners are women in Subotica and Backa Topola (North Serbia). On the contrary, in the south, the situation drastically differs where customary law remains in strong contrast to the formal laws. Thus, only 13 per cent of women have property ownership in Presevo. While the data is preliminary and needs to be treated with caution, it implies that gender issues still prevail in access to property rights and the registration of those rights.

**Legal Framework**

Laws and strategies in Serbia recognize the achievement of equal rights for all citizens in inheritance and registration of ownership of the real estate. However, in practice, people from vulnerable groups face difficulties in exercising these rights. The most common reasons are the complexity of procedures, lack of knowledge of the law and the unavailability of information or distance services. Persons with disabilities, very often are not able to achieve public administration services due to inaccessibility and non-existence of physical barriers. Women, especially from rural areas are very disadvantaged in terms of access to property rights, either in terms of customary law of inheritance, patriarchal forms of life, the unavailability or lack of knowledge of their rights, which is reflected in the inability of economic independence and poor economic status. A very important step in the reform of land administration is identifying this type of problem then an adequate response to identified obstacles and difficulties.

Law on the Prevention of Discrimination against Persons with Disabilities proposes that public institutions are obliged to implement the measures to ensure equality of persons with disabilities in the proceedings before their offices. People with disabilities as users of the public institutions are preferred over other services, especially when submitting briefs, as well as during the reception by authorized persons in the scheduled days.

Gender equality refers to women and men having equal opportunities, rights and duties in their social, professional and family environments. The Republic of Serbia is a signatory of a number of important and binding international documents, which guarantee the equality of men and women and prohibit gender-based discrimination. Among these documents the most important documents are of the United Nations (Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women — CEDAW), the Council of Europe (European Conventions for the Protection of Human Rights and Fundamental Freedoms, the European Social Charter and the Council of Europe Convention on preventing and combating violence against women and domestic violence) and the European Union (EU Charter of Fundamental Rights).

Domestic guarantees of gender equality are the Constitution of the Republic of Serbia and relevant laws and regulations. The Constitution of the Republic of Serbia sets the legal basis for the introduction and regulation of the principles of gender equality in Serbia and establishes gender equality as a fundamental constitutional right. Under Article 15 of the Constitution, the state shall guarantee equality between women and men and develop equal opportunities policies. The Constitution also lays down the principle of prohibition of discrimination, including, inter alia, gender-based discrimination. The Gender Equality Law binds all public authorities to actively pursue equal opportunity policies, monitor the realization of gender equality principles and supervise the exercise of international standards and constitutionally guaranteed rights within their remits. The Law addresses gender equality in employment, health care, family relations,
education, culture, sports, political and public life and judicial protection. The National Strategy for Improving the Position of Women and Promoting Gender Equality was adopted in February 2009. This document lays down a comprehensive and consistent state policy aimed at eliminating discrimination against women, improving their status and integrating the principle of gender equality in all spheres within the remits of state institutions, as one of the elements of a wider modernization and democratization of society. The Strategy focuses on women’s participation in policy and decision making; in the economy, education and health; combating violence against women, and eliminating the presence of gender discrimination.

Gender-sensitive statistics moves beyond simple disaggregation and presentation of existing data by sex, and recognizes the need for monitoring the different problems and challenges faced by women and men in all walks of life. The first international official debate on gender-sensitive statistics took place at the First World Conference on Women in Mexico City in 1975. The 1995 Beijing Declaration and Platform for Action, which provides a clear set of recommendations and guidelines for improving the status of women, also addresses gender-sensitive statistics. It lays down the obligation of states to ensure that statistics related to individuals is regularly collected, compiled, analyzed and presented by sex and age and that it reflects problems, issues and questions related to women and men in society. Regular and comprehensive monitoring and presentation of gender-sensitive data allows for identifying gender discrimination in a society i.e. establishing whether there are inequalities between women and men. It also facilitates the design, planning and implementation of policies aimed at eliminating inequalities and improving the status of discriminated groups or individuals.

The Inclusive Land Administration Component of the Real Estate Management Project

In October 2015 Serbia has started the Real Estate Management Project supported by the World Bank. The aim of the Project is to improve the efficiency, transparency, availability and reliability of the system for managing real estate in the Republic of Serbia. One of the components of the Project is dedicated to the inclusive land administration - identification of the vulnerable groups and applying of specific measures to their inclusion. The background of this Project component lying in the initiative of World Bank from 2013 when Serbia has started the program with focus to analyze situation, collect the data and make measures that will improve the status of persons with disabilities and women in terms of achieving their property rights and RGA services. The program strategy had consisted on exploration of conditions in the country and at the local level in terms of target groups, collecting data on accessibility of services and on gender disaggregated data regarding the property rights, analysis and reporting of the data and cooperation with stakeholders and target groups. Under the Real Estate Management Project these activities are continued and expanded in order to improve the accessibility of services to vulnerable groups. These groups would include people with disabilities, women, the elderly and those who are in need of services but are unable to
visit an office or less aware of the benefit of land administration services. The barriers that prevent the vulnerable groups from gaining access to RGA services can include social constraints; gender relations in households; lack of access to transportation; lack of knowledge and awareness on land related issues; aging and physical disabilities. Specific measures aiming to promote inclusion through the project include: (a) support for mobile registration services that can reach populations that cannot physically or financially afford to reach registration offices; (b) renovation of selected local registration offices in order to provide wheelchair access; (c) support for communications strategies that increase information on real estate management for vulnerable groups; and (d) capacity building for RGA and local registration office staff on serving vulnerable customers. These activities would be monitored and evaluated through customer surveys and specific indicators defined in the results framework. Trainings would be designed in order to build capacity of RGA’s staff in serving customers with respect, regardless of their ethnicity, age, sex or physical disabilities, and to ensure the use of appropriate language and non-discriminatory behavior. Trainers could be involved from vulnerable groups to sensitize staff with their viewpoint. Furthermore, raising awareness training would be conducted to empower women to access, to own and inherit properties.

The Project implies creation and use of data on accessibility and gender-disaggregated data. Once these data have been produced, they would be used to support public awareness campaigns, community outreach through mobile services, and training. Data expected to be produced would include the existence of physical access to the real estate cadaster offices, percentage of people with disabilities on local level, the percentage of women owners in land records and percentage of women who sell or buy properties and mortgage them.

**Mobile Services**

The mobile services are the local office’s services that cover a region and reach out to people who need special assistance in land administration services. Identification of beneficiaries would be carried out in coordination with the local government, civil society and community members. With a view to making the service more inclusive for vulnerable groups, it is estimated that five mobile teams need to be operational in major registration offices. These would be based around the country and bring services to people who are not normally able to make the visit to RGA offices. The planned mobile service would not limit the service to a single target group. The service is intended to serve all those who have needs but who are unable to visit the local registration office due to various reasons including: social constraints, gender relations in households, lack of access to transportation, and aging or disabilities. Although this service is not intended to specify target groups, the direct beneficiaries envisaged are people with disabilities, elderly and those living in isolated areas. It would also be highly effective in providing services to those who are not aware of the importance and procedures of land administration services. The project would fund the necessary equipment (computers, scanners, etc.) and RGA will provide cars to make the mobile offices
functional. The mobile team would coordinate with civil society and community leaders to gain support in reaching those who require services. The service would also be highly effective in raising awareness during public awareness campaign. The team would disseminate information materials directly to beneficiaries, explain the benefits and need of improved valuation standards, how to access more information, and how to register properties and transactions. Right now in the initial phase of Project component, first local office is chosen and establishment of pilot mobile service has started. Indicator for this activity is the total number of beneficiaries from vulnerable groups benefiting from RGA mobile services.

**Accessibility to RGA premises**

On the basis of collected data the local registration offices will be chosen for renovation and building of physical access for persons with disabilities. For this purpose additional data are collected, such as ownership of the local office building, access office floor and number of persons with disabilities per municipality as shown on the *Figure 1*. For RGA headquarters building in Belgrade, access ramp has built in December 2016.

**Gender Equality**

The gender issues and its connection to property rights is very important and burning topic on the global level. Gender equality in owning and access to land is one of crucial facts to social development of country. Situation in the Republic of Serbia is similar to many other countries in the vicinity and wider. There is established legal framework and legislative (constitution, lows, strategies and action plans), but in the reality situation is a little bit different: policies are not implemented, thus causing more difficulties in everyday life. Low awareness about property rights in general, together with strong influence of custom low in everyday life, lack of information of how to use property rights for increasing of economic power (mortgage, collective, etc.), absence of use the other form of property rights (joint ownership and co-ownership) and discrimination of property rights in favor of male successors are key points that makes situation such is. Culture, traditions, lack of knowledge or understanding and lack of self-confidence often lead women to renounce their real property rights, but also systematic lack of information and data regarding this issue makes the situation even worse.

Increasing women’s access to property rights is crucial to end extreme poverty and promote shared prosperity. A large volume of research shows that beneficial social impacts on households can be created when women have ownership over properties. Improved access to credit, amplified voice in household decision-making, and reduced domestic violence are some of the major impacts. Collected gender-disaggregated data would be conducted to empower women to access, own and inherit properties.
The overview map of the RGA Local Offices equipped with the access for persons with disabilities

Figure 1
Collecting and Analysis of Gender Disaggregated Data

The initial step was collecting and analysis of gender disaggregated property rights data in the Republic of Serbia. Serbia is a country situated at the crossroads between central and southeast Europe, covering the central Balkans. Serbia is a member of the UN and many other international organizations and as a membership candidate currently is negotiating its EU accession. The country is acceding to the WTO and is a military neutral state. Serbia is an upper-middle income economy with dominant service sector, followed by the industrial sector and agriculture. The country ranks high in Social Progress Index (45th) as well as Global Place Index (46th) and relatively high in Human Development Index (66th).

The country covers a total of 88,361 km² and with population over 7 million. 51.3% of the total population of the Republic of Serbia are women (Figure 2).

![Population in Serbia - gender ratio](image1)

![Real Estate Property Owners](image2)
Gender disaggregated property rights data are collected from real estate database that is established and maintained by Republic Geodetic Authority and used for different analysis and maps creation. In the real estate database for the year 2014, 51.66% of records had temporary ID which does not indicate gender of property owner; therefore the results are based on 48.79% of property records. In year 2015 number of permanent IDs has increased to 51.21% and right now we have more accurate analysis (Figure 3). In the year 2014, 39.23% properties were owned by women. In the year 2015, the percentage of properties owned by women increased to 39.90%. This analysis is based on data with permanent IDs (Figure 4).

![ID numbers in Real Estate database](image1)

![Share in the co-ownership](image2)
Shares in the co-ownership for <25%, between 25 and 50%, between 51 and 99% and >100% of property owned are shown on the Figure 5. Analysis of data on women and their property rights included the analysis.
of the percentage of representation of women as property owners in municipalities on the territory of the Republic of Serbia. In sense of geography, maps show gender disaggregated data for the Republic of Serbia.

Figure 7

Legend

- 13% - 22%
- 23% - 32%
- 33% - 42%
- 43% - 51%
- Urban areas
- NO DATA
in general and their distribution for administrative areas. Gender disaggregated data linked to the spatial data show the most critical geographical areas, where the efforts should be focused. On some areas, especially in northern part of the Republic Serbia, there is an almost equal situation regarding owning of properties by men and women. On the contrary to northern part, situation in the southern parts regarding property ownership equality among men and women is not such a good (Figure 6). This can lead to many conclusions and make connection with power of traditional low and economics development of certain areas of the Republic of Serbia.

A second map (Figure 7) shows the distribution of women as property owners among the urban areas in Serbia. The average percentage of women owning the properties in urban areas is 38%. This result is also connected with geographical area; the highest number of women belongs to northern part of Serbia and decrease by going to the south part.

![Ownership acquired by inheritance](image1)

**Figure 8**

![Ownership acquired as a gift](image2)

**Figure 9**
Different ways of property right acquisition such as inheritance (Figure 8), gift (Figure 9) and purchase (Figure 10) in combination with gender data have also analyzed and shown on the diagrams.

![Ownership acquired by purchase](image)

Figure 10

![Property mortgage loan](image)

Figure 11

*Figure 11* shows gender ration regarding the properties that have mortgage loans recorded in the real estate database.

**Fees Reduction**

RGA took the initiative aimed to increase the share of female property co-owners by providing the incentive of a low registration fee for co-registration. Encouraging co-registration is important for gender equality as it gives both spouses equal opportunity to use the joint property such as collateral for accessing financial
services. Together with reduction of registration fees for co-registration, RGA has lowered fees for persons with disabilities. Ordinance on Amending the Regulations on the amount of fees for providing RGA services entered into force in January 2017. This ordinance provides that the fee for the registration (and for changing the holder) of the facility with the entry of rights in favor of persons with disabilities, instead of 10,839 (8,671) now is 300 Serbian dinars and fee for the enrollment of joint ownership or co-ownership in favor of married or not married spouses is 300 Serbian dinars.

Conclusion
By the end of the Real Estate Management Project it is planned to establish mobile services in 5 local registration offices, to increase percentage of local registration offices with physical access for those who need special assistance up to 10% and to raise awareness of women and society in general regarding the property rights and its possibilities in the next 4 years. We hope that for the World Bank conference 2021, we will present the results as an example of good practice, together with faced problems and gained experiences. Social inclusion of all groups and equal opportunity to gain rights and services is guaranteed by constitution. By these initiatives RGA shows the importance of the inclusive land administration and the elimination of discrimination in respect of property rights and becomes leading public institution with activities working on vulnerable group’s needs.

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