

Overview: Indicator 5.a.2

Workshop on SDG Indicator 5.a1 and 5.a.2. 2018



INDICATOR 5.a.2

Target 5.a: Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.

Indicator 5.a.2: Legal Indicator

- *Percentage of countries where the **legal framework** (including **customary law**) guarantees women's equal rights to land **ownership and/or control**.*



WHY FAO AS THE CUSTODIAN AGENCY?



- FAO custodian agency for this indicator because of the experience and knowledge accumulated in terms of gender and land. Why? Secure land rights are critical for the achievement of food security, poverty reduction and sustainable development objectives
- FAO played a lead role the Voluntary Guidelines for the Responsible Governance of Tenure for Land, Forestry and Fisheries in the context of Food Security (VGGT) process.
- FAO developed the most comprehensive database in term of women's land rights that includes information on policies, laws and sex disaggregated statistics (GLRD).
- FAO has produced tools for assessing the gender sensitiveness of laws and policies

CUSTODIAN AGENCY



Produce methodology for indicator

Prepare guidelines for reporting



Iterative development process of the methodology



Phase 1. Research

- Exhaustive literature review
- Comprehensive analysis of laws and policies from more than 90 countries.
- Critical review of the LAT tool and available country assessment, as well as other relevant tools

 prioritization of critical areas that obstacle the realisation of women's land rights and identification of proxies

Phase 2. Consultations and presentations

- Expert group meeting. Attended by experts on gender and land rights. UN habitat, World Bank, UN-Women, Landesa, IDLO, IFAD, ILC, Africa Union, Oxfam, Action Aid, FAO, and the academic sector.
- Bilateral consultations: World Bank, UN Women, OECD
- Presentation of the methodology to several audiences in Africa, Asia and Latin America.

 consultation and validation of the methodology, new proxy include and reformulation of various proxies

Iterative development process of the methodology

Phase 3. Piloting and refinement

- Piloting Initiative conducted in 10 countries: Albania, Colombia, Guatemala, Indonesia, Kenya, Nepal, Oman, Serbia, Tanzania and Uganda.
- Process: Engagement with FAO country office, SDG national coordination mechanism and designated/relevant institution, legal assessment and validation workshop.



Piloting was useful to

- test the relevance and applicability of the methodology and proxies to the different social, cultural and legal contexts.
- get a better understanding of the process in practice (including costs)
- fine-tune and enrich the guidelines: define better thresholds and additional examples;

Selection of proxies and assessment process



KEY CONSIDERATIONS FOR THE IDENTIFICATION OF PROXIES



- Covers a key right to land ownership/control
- Enjoys universal relevance
- Strong international consensus or norm around the proxy or considered to be an innovative practice
- Meaningfulness versus practicability: limited number of proxies
- Tackles main constraints women face in achieving land ownership and/or control



The methodology provides guidance on

- key terms (land, land ownership, control over land, legal & policy framework etc.)
- data sources
- key rules to follow when conducting the assessment
- description and rationale for each proxy and detailed guidance on the conditions and thresholds for the six proxies to be considered present
- reporting process and method of computation of results at national level and global level

FOUNDATIONS: The GLRD



An online Database: Aims to **collect, share** and **disseminate** information on gender and land rights. The Database contains:

- **84 Country Profiles** on gender and land rights
- National legal framework and how it promotes or prevents the realization of gender-equitable land tenure
- Ratification of international treaties
- Customary law and practices
- Legal awareness and access to justice

www.fao.org/gender-landrights-database

A screenshot of the Gender and Land Rights Database (GLRD) website. The page features a blue header with the FAO logo and navigation links. Below the header is a navigation menu with options like "Background", "Country profiles", "Statistics", "Legislation Assessment Tool", "Resources", and "Team". The main content area includes a large image of a woman in a white shirt and headscarf holding a basket of grain. To the right of the image is a text box announcing the website's improvement. Below the image is a section titled "Exploring the Gender and Land Rights Database (GLRD)" with a brief description. On the right side, there is a "Data map" section with a world map. At the bottom, there are three columns of text describing the database's content: "COUNTRY PROFILES", "GENDER AND LAND-RELATED STATISTICS", and "THE LEGISLATION ASSESSMENT TOOL (LAT)".

FOUNDATIONS: LAT

The Legal Assessment Tool (LAT): To support the implementation of gender equality from a legal perspective. The LAT targets concrete areas for improvement by identifying:

- **31 Legal Assessments** using the Legal Assessment Tool (LAT)
- **Strengths and weaknesses** in the legal framework
- **Progress** made towards **gender equity** in the legal framework
- Areas where **legal reform** is needed

Food and Agriculture Organization of the United Nations

LAT assessment – Morocco
GENDER AND LAND RIGHTS DATABASE (GLRD)

Key element 2: Elimination of gender-based discrimination in the constitution		Stage	Basis
4	The Constitution prohibits gender-based discrimination.	0	No express provision could be located
5	The Constitution recognises customary law but states that gender-based discrimination in customary law is superseded by the principle of non-discrimination in the Constitution.	N/A	N/A
6	The Constitution recognises religious law but states that gender-based discrimination in religious law is superseded by the principle of non-discrimination in the Constitution.	0	No express provision could be located
7	The Constitution promotes the adoption of special measures for the advancement of women.	0	No provision could be located
Key element 3: Recognition of women's legal capacity		Stage	Basis
8	Men and women, including married women, have the ability to conclude contracts under the same basic conditions, rights and obligations.	3	Code de la Famille, 2004 Article 210

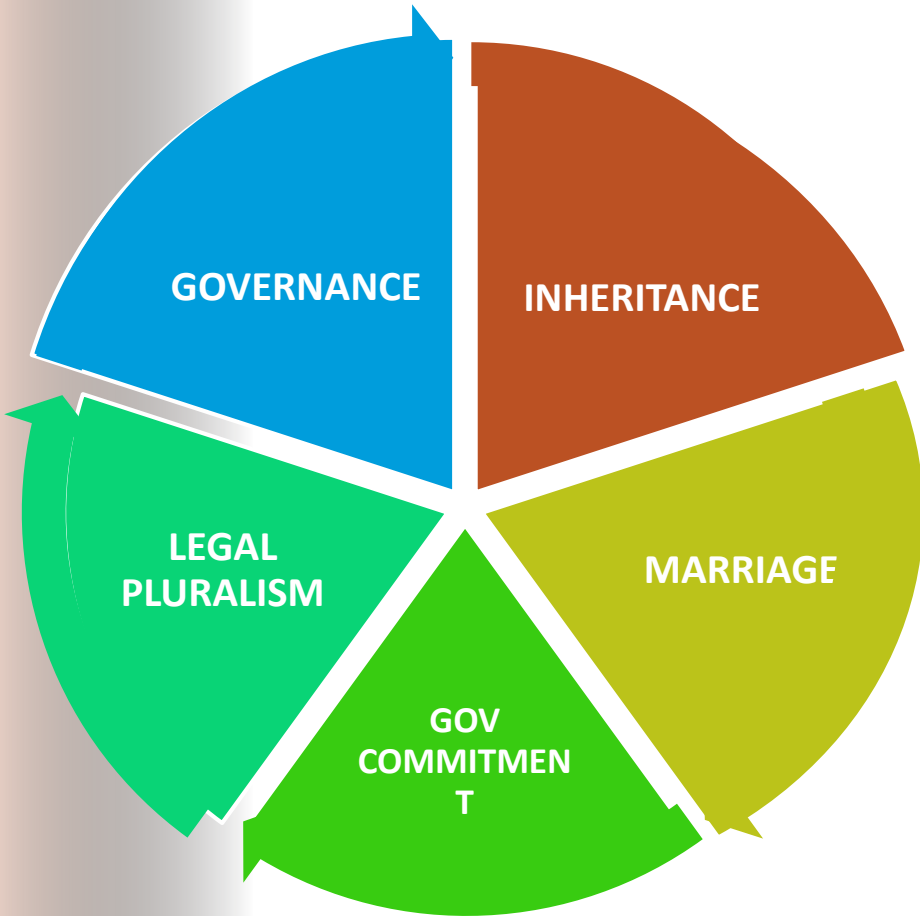
FOUNDATIONS: LAT



The LAT measures a country against 26 legal indicators, divided into 8 clusters:

- Ratification of **international human rights instruments**
- Elimination of gender-based discrimination in the **Constitution**
- Recognition of **women's legal capacity**
- Gender equality with respect to **nationality**
- Gender equality in **property rights**
- Gender equality in **inheritance**
- Gender-equitable **implementation, dispute mechanisms and access to justice**
- Women's **participation** in national and local **institutions enforcing land legislation**

Indicator 5.a.2: Identified Proxies



- **Proxy A** refers to joint registration of land
- **Proxy B** is about requirement of spousal consent for land transactions
- **Proxy C** deals with equal inheritance rights
- **Proxy D** refers to governmental commitment through allocation of financial resources
- **Proxy E** deals with the customary land tenure and women's land rights
- **Proxy F** is about participation of women in land management or administration institutions

Rules/assumptions for the assessment



- **Data sources:** Official published primary material on the law and policy framework: not *de facto* status, i.e. customary law needs to be incorporated in the legal framework to be considered.
- **Geographical scope:** in federal systems focus on states with larger population until the 50 percent of the population is reached out.
- **Religious laws:** in systems with multiple religious laws, focus on situation for two largest religious groups.
- **Customary law:** only relevant when recognized in legal framework (i.e. no measuring of *de facto* incidence).



Country assessment and reporting process



- Countries to identify and designate a ***national entity*** with a mandate related to land, gender and law (*Ministry of Land, Ministry of Justice, Ministry of Gender*)

National Legal Expert:

Identify and collect all relevant sources of policies and laws

Screen all relevant documents collected to assess if the proxy is present in the legal and policy framework following the guidelines

Fill the electronic forms stating where the proxy has been found.

Validate and communicate results to FAO



Form 1 – Checklist of policy and legal instruments (example Proxy A)



Relevant policies/legal instruments	Instrument	Checked for proxy A			Sub-national
Policies formally adopted	National land policy or strategy; national land administration program	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Instrument does not exist	<input type="checkbox"/> Yes
	National agriculture policy or strategy	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Instrument does not exist	<input type="checkbox"/> Yes
	National gender policy or strategy	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Instrument does not exist	<input type="checkbox"/> Yes
	Other relevant policies	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Instrument does not exist	<input type="checkbox"/> Yes
Primary legislation	Constitution	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Instrument does not exist	<input type="checkbox"/> Yes
	Family law	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Instrument does not exist	<input type="checkbox"/> Yes
	Civil code	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Instrument does not exist	<input type="checkbox"/> Yes
	Land law	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Instrument does not exist	<input type="checkbox"/> Yes
	Law on land registration	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Instrument does not exist	<input type="checkbox"/> Yes
	Law on agriculture	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Instrument does not exist	<input type="checkbox"/> Yes
	Other relevant laws	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Instrument does not exist	<input type="checkbox"/> Yes
	Personal law I	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Instrument does not exist	<input type="checkbox"/> Yes
	Personal law II	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Instrument does not exist	<input type="checkbox"/> Yes
	Personal law III	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Instrument does not exist	<input type="checkbox"/> Yes
Secondary legislation	*	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Instrument does not exist	<input type="checkbox"/> Yes
	*	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Instrument does not exist	<input type="checkbox"/> Yes
	*	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Instrument does not exist	<input type="checkbox"/> Yes
	*	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Instrument does not exist	<input type="checkbox"/> Yes



Form 2 – List of policy and legal instruments for reporting under Indicator 5.a.2 (example Proxy A)



Relevant policies/ legal instruments	Full name of instrument*	Date of submission/ adoption	Relevant Article, Section or Paragraph**	Scenario 1 (compulsory for married couples) Scenario 2 (compulsory for married and unmarried couples) Scenario 3 (economic incentives for married couples) Scenario 4 (economic incentives for married and unmarried couples)***	If sub-national, name of state (largest)	Exceptions?	Explanations/ Notes/ Exceptions (cite)/ Contradictions (cite)****
Policies formally adopted				<input type="checkbox"/> Scenario 1 <input type="checkbox"/> Scenario 2 <input type="checkbox"/> Scenario 3 <input type="checkbox"/> Scenario 4		<input type="checkbox"/> Yes	
				<input type="checkbox"/> Scenario 1 <input type="checkbox"/> Scenario 2 <input type="checkbox"/> Scenario 3 <input type="checkbox"/> Scenario 4		<input type="checkbox"/> Yes	
				<input type="checkbox"/> Scenario 1 <input type="checkbox"/> Scenario 2 <input type="checkbox"/> Scenario 3 <input type="checkbox"/> Scenario 4		<input type="checkbox"/> Yes	
Primary legislation				<input type="checkbox"/> Scenario 1 <input type="checkbox"/> Scenario 2 <input type="checkbox"/> Scenario 3 <input type="checkbox"/> Scenario 4		<input type="checkbox"/> Yes	
				<input type="checkbox"/> Scenario 1 <input type="checkbox"/> Scenario 2 <input type="checkbox"/> Scenario 3 <input type="checkbox"/> Scenario 4		<input type="checkbox"/> Yes	
				<input type="checkbox"/> Scenario 1 <input type="checkbox"/> Scenario 2 <input type="checkbox"/> Scenario 3 <input type="checkbox"/> Scenario 4		<input type="checkbox"/> Yes	
Secondary legislation				<input type="checkbox"/> Scenario 1 <input type="checkbox"/> Scenario 2 <input type="checkbox"/> Scenario 3 <input type="checkbox"/> Scenario 4		<input type="checkbox"/> Yes	
				<input type="checkbox"/> Scenario 1 <input type="checkbox"/> Scenario 2 <input type="checkbox"/> Scenario 3 <input type="checkbox"/> Scenario 4		<input type="checkbox"/> Yes	
				<input type="checkbox"/> Scenario 1 <input type="checkbox"/> Scenario 2 <input type="checkbox"/> Scenario 3 <input type="checkbox"/> Scenario 4		<input type="checkbox"/> Yes	



Form 3 – Questionnaire on Indicator 5.a.2 (example Proxy A)



Proxy A: Is the joint registration of land compulsory or encouraged through economic incentives?

- Proxy was not found
- In formally adopted policy document
- In primary legislation
- In secondary legislation (order, rule, regulation)

Policy or legal instruments where the proxy was located:

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.....
.....
.....
.....

Additional information in relation to this proxy:

.....
.....
.....
.....



Consolidation of results Results



PROXY/ legal instruments	PROXY A	PROXY B	PROXY C	PROXY D	PROXY E	PROXY F
Primary and/or Secondary	<input type="checkbox"/> Yes <input type="checkbox"/> NO	<input type="checkbox"/> Yes <input type="checkbox"/> NO	<input type="checkbox"/> Yes <input type="checkbox"/> NO	<input type="checkbox"/> Yes <input type="checkbox"/> NO	<input type="checkbox"/> Yes <input type="checkbox"/> NO <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> NO

NUMBER OF PROXIES PRESENT IN PRIMARY AND/OR SOCIDARY LEGISLATION



Indicator 5.a.2: Reporting Process



Overall classification of the country based on the number of proxies in primary law or primary and secondary law

Band 1: No evidence of guarantees of gender equality in the land ownership and/or control in the legal framework.

- None of the proxies are present in the primary or primary and secondary legislation

Band 2: Very low levels of guarantees of gender equality in land ownership and/or control in the legal framework.

- One of the proxies present in primary or primary and secondary legislation

Band 3: Low levels of guarantees of gender equality in land ownership and/or control in the legal framework

- Two of the proxies present in primary or primary and secondary legislation

Band 4: Medium levels of gender equality guarantees in land ownership and/or control in the legal framework

- Three of the proxies are present in primary legislation or primary and secondary legislation

Band 5: High levels of gender equality guarantees in land ownership and/or control in the legal framework

- Four or five of the proxies are present in primary legislation or primary and secondary legislation (Depending if CL applicable)

Band 6: Very high levels of gender equality guarantees in land ownership and/or control in the legal framework

- Five or six proxies are present in primary legislation or primary and secondary legislation

Reporting Process



Progress on Indicator 5.a.2 is tracked as follows (bi-annual):

STEP 1: Based on information provided by countries in the electronic survey (Forms) when the assessment is completed FAO does the quality control

STEP 2: **Country** is then classified according to the number of proxies located in the primary / secondary law)

STEP 3: **Global statistic for indicator** developed based number of countries in each classification band, against total number of reporting countries. *Progress on global statistic* measured by number of countries transitioning to the higher classification bands by 2030.

Indicator 5.a.2: Reporting Process



STEP 3: FAO reports to the UN SDG Secretariat on the number of reporting countries in each classification band.

% of Reporting Countries in Band 1: No evidence of guarantees of gender equality in the land ownership and/or control in the legal framework.

% of Reporting Countries in **Band 2**: Very low levels of guarantees of gender equality in land ownership and/or control in the legal framework.

% of Reporting Countries in **Band 3**: Low levels of guarantees of gender equality in land ownership and/or control in the legal framework.

% of Reporting Countries in **Band 4**: Medium levels of gender equality guarantees in land ownership and/or control in the legal framework.

% of Reporting Countries in **Band 5**: High levels of gender equality guarantees in land ownership and/or control in the legal framework.

% of Reporting Countries in **Band 6**: Very high levels of gender equality guarantees in land ownership and/or control in the legal framework.

Next Steps

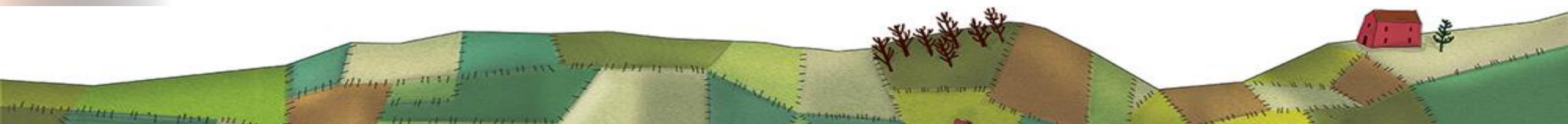


Outreach countries: Partnerships, sensitization and advocacy

Capacity Development

Technical support to countries

Quality control and consolidation of results



THANK YOU !

