



Monitoring SDG indicator 5.a.2 through legal assessments in the NENA Region

ESCWA – UN-Habitat - GLTN – Arab Land Initiative Online Capacity Development Workshop

4 July 2024

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Land-related indicators in the 2030 Agenda for Sustainable Development



Goal 5: Gender Equality – SDG 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.*

SDG Indicator 5.a.1

Individuals' Rights to land in practice (sex disaggregated data on **agricultural land /population**)

SDG Indicator 5.a.2

Women and girls' rights to land **in national laws, policies and programmes** (not limited to agricultural land/population)

Goal 1: No Poverty – SDG Target 1.4

*Equal rights for all men and women to economic resources, as well as **access to basic services, ownership, and control over land** and other forms of property, **inheritance**, natural resources, appropriate new technology, and financial services including microfinance*



Status of reporting for SDG Indicator 5.a.2 in ESCWA region

Seven (7) out of 21 countries have completed the 5.a.2 reporting process. However, data collection faces challenges: in 2 countries updates are due, the process is delayed in 4 countries, while 10 countries have yet to start

Reported

- Djibouti
- Lebanon
- Mauritania
- State of Palestine
- Yemen
- Jordan **(to be updated)**
- Qatar **(to be updated)**

Reporting ongoing

- Iraq
- Oman
- United Arab Emirates
- Morocco

Yet to report

- Algeria
- Bahrein
- Kuwait
- Saudia Arabia
- Syrian Arab Republic
- Egypt
- Libya
- Somalia
- Sudan
- Tunisia



Reporting on SDG indicator 5.a.2

Metadata

Data Source

- Assessment of legal frameworks using **primary sources/official government documents**, in particular laws, policies, implementing measures and statistics.
- The assessment is carried out by **national counterparts, including NSOs, Ministry of Land, Ministry of Women's Affairs**, and legal experts using a questionnaire against 2-4 scenarios for each of the 6 internationally recognized proxies (“good practices”).

Reporting cycle

- **Every 4 years**, or earlier if there are ongoing reforms.

Methodology

- **Conduct review of available laws** to assess the presence of each of the scenarios and identify opportunities for improvements
- **Relevant laws include** marital property, inheritance, land ownership and control, WLRs within customary and religious systems, financial allocations to increase women's access to land and quotas for women's participation in land administration bodies.
- About **2-3 weeks** is needed to undertake the study



Indicator 5.a.2 : Methodology and process

Key questions:

Proxy A: Joint registration of marital property

Proxy B: Spousal consent for Land Transactions

Proxy C: Equal inheritance rights for women and girls

Proxy D: Financial allocations

Proxy E: Primacy of equality principles in legal pluralistic systems

Proxy F: Quotas for women's participation in land administration and management institutions

Main steps:

1. National SDG Coordination Mechanism designates the **responsible institution, focal points** and **legal expert**
2. **Training** of focal points and legal expert by FAO
3. Completion of **questionnaire** and reviews (approx. 2-4 cycles)
4. **Stakeholder consultations**
5. Final review of the questionnaire and **official validation/submission** to FAO



A successful process requires **government buy-in, strong institutional coordination**, and **legal expertise**.

Filling the questionnaire – Form 1



SECTION 2: LEGAL ASSESSMENT

Form 1: Policy and Legal Instruments including Provisions for Proxy A (The Guidelines, Pages 15-23)

Please answer the question/s below. If your answer is YES, fill in the table with the relevant information. Copy/paste the table provided below as many times as needed for each question when citing more than one source/instrument.

Q.A1 Is joint registration of land compulsory for married couples? (Scenario 1)

YES NO

If YES, cite:

Full name of the instrument:	
Date of adoption:	
Copy/Paste relevant provision(s):	
Link to the source (www)	

Q.A2 Is joint registration of land compulsory for unmarried couples? (Scenario 2)

YES NO

If YES, cite:

Full name of the instrument:	
Date of adoption:	
Copy/Paste relevant provision(s):	
Link to the source (www)	

Q.A3 Is joint registration of land encouraged through economic incentives for married couples? (Scenario 3)

YES NO

- Each proxy has **different scenarios**, not all scenarios have to be necessarily present
- **Legal basis** for each scenario (no policies or other documents)
- Cut and paste of the **relevant provisions** (no explanations/comments)
- One law per box, but boxes can be added if necessary
- Name, date of adoption and link to source (original language and English version)

Filling the questionnaire – Form 2



SECTION 2: LEGAL ASSESSMENT

Form 2: Results of Assessment – Proxy E

To summarize the assessment, please tick the appropriate box(es).

To determine whether Proxy E is present in a legal instrument – primary or secondary law - refer to the “Tips” boxes for Scenario 1 and 2 at Pages 49 and 52 of The Guidelines.

Q.E5 In legal systems that recognize customary land tenure, does the law explicitly protect the land rights of women?

- Not Applicable because customary law/land tenure is not recognized or does not exist
- Proxy was not found
- In primary legislation
- In secondary legislation (order, rule, regulation)

Q.E6 Additional information in relation to this proxy:

(Note any additional information and/or exception(s) to the provision where the proxy was found or any provision that is close to matching the requirements provided for in The Guidelines (Pages 48-53) but does not entirely fulfil the proxy.)

To be filled for all 6 proxies:

- Summary of Form 1
- **Additional information box:**
 - All relevant provisions **that do not meet the threshold**
 - **Exceptions** that do not invalidate the proxy
 - All **bills and policies** that have been adopted or **relevant reforms** - only elements directly related to the proxy thematic

Filling the questionnaire – Form 3

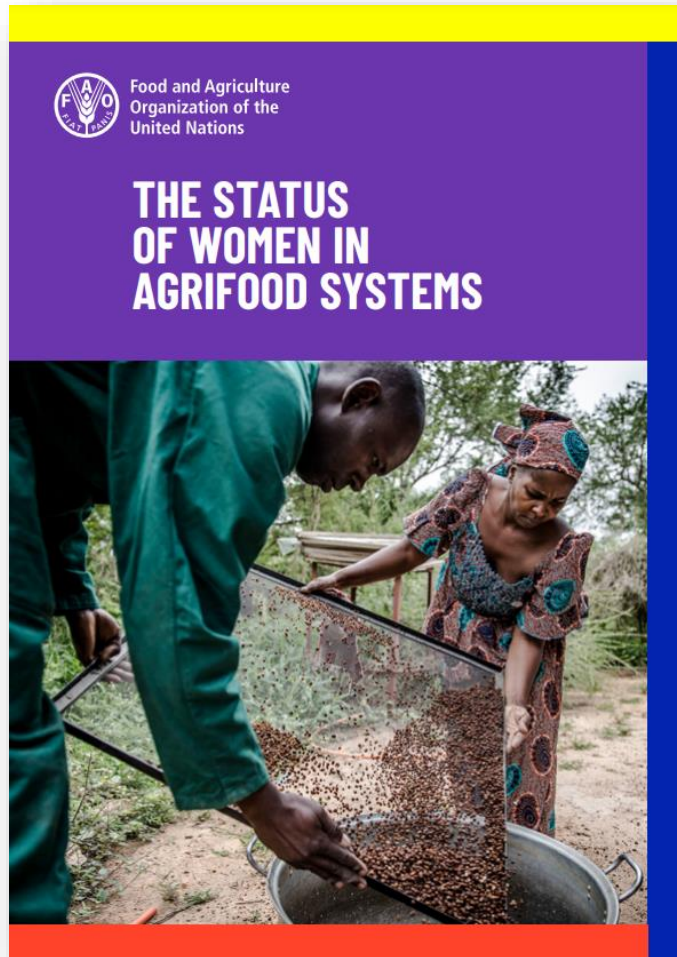


- One-pager with the **results of the legal analysis**
- Points of attention:
 - **Proxy A-C** require a review of both *family/marriage* and *land laws*
 - **Proxy D** and **F** can be present on the basis of a legal provision or, in its absence, **official national statistics**
 - **Proxy E** will be *N.A.* if customary law is not formally recognized in the law and only *present* if the same law that recognizes custom also explicitly protects women's right to land in that context
- The number of proxies determines the **level of protection and corresponding band category**

Band level	Number of proxies	Level of protection
Band 1	0 Proxies	None
Band 2	1 Proxy	Very low
Band 3	2 Proxies	Low
Band 4	3 Proxies	Medium
Band 5	4 Proxies	High
Band 6	5/6 Proxies	Very high



Latest FAO publications



<https://www.fao.org/gender/the-status-of-women-in-agrifood-systems/en>



<https://www.fao.org/socioeconomic-research-analysis/resources/unjust-climate/the-unjust-climate/en>



Any questions?

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