



LEARNING ABOUT **5** **a.2** INDICATOR

SDG Indicator 5.a.2 – Ensuring women’s legal rights to land ownership and/or control

Lesson: Identifying data sources

Text-only version

The interactive version of this lesson is available free of charge at: www.fao.org/elearning



This lesson is available in Open Access under the Attribution-ShareAlike 3.0 IGO (CC-BY-SA 3.0 IGO) license. FAO holds copyright of the lesson content, 2018.



Food and Agriculture
Organization of the
United Nations



working for Zero Hunger

In this lesson

Learning objectives 3

Introduction 3

The Indicator 5.a.2 assessment process 3

The survey 3

Relevant types of data sources 4

Criteria to select the data sources 5

Summary 5

Identifying data sources

This lesson provides an overview of the Indicator 5.a.2 assessment process and describes how to perform the first step of the assessment, which involves identifying and collecting all the relevant policy and legal documents.

Learning objectives

At the end of this lesson, you will be able to:

- ✓ explain the two main steps of the Indicator 5.a.2 assessment process;
- ✓ describe the structure of the survey to report the assessment results;
- ✓ illustrate the criteria to be used in selecting the data sources.

Introduction

The Ministry of Land, the institution responsible for reporting on Indicator 5.a.2, has nominated Abena as the national legal expert in charge of performing the Indicator 5.a.2 assessment.

Abena will examine her country's legal and policy framework to establish whether the six proxies identified to monitor progress under Indicator 5.a.2 exist or not. Together with Abena, let's go through the Indicator 5.a.2 assessment process.

The Indicator 5.a.2 assessment process

To carry out the assessment, Abena needs to undertake two main steps:

- ① Collect all the relevant policy and legal documents (data sources).

The first step is going to be covered in this lesson.

- ② For each proxy, determine whether it exists in the legal and policy framework, and in which instruments.

The assessment for each proxy will be covered in a dedicated lesson (lessons from 3 to 8).

The survey

To perform her task, Abena has been provided with a methodological guide and a set of forms that she needs to complete to report the results of her assessment.

Form 1

Form 1 is a checklist of the relevant policy and legal instruments to be analysed for the assessment.

Abena should use it:

- ✓ as a job aid to identify the relevant law and policies; and
- ✓ after the assessment, to report the data sources checked for the proxy.

Form 2

In Form 2, Abena should:

- ✓ provide the details of the instruments containing the proxy;
- ✓ cite the relevant provisions of the law or policy that show the existence of the proxy;
- ✓ specify the relevant scenario/s (some proxies are related to one or more scenarios).

Form 3

In Form 3, Abena should summarize the results of her assessment, and provide any additional observations or notes about the proxy.

Relevant types of data sources

Abena is performing the first step and using the checklist contained in the survey to identify the instruments to analyse. Let's see what kind of documents she needs to collect:

Policies

A policy is a document proposed by a national body (usually one that has an executive power such as a Ministry or a Department), which identifies a certain plan of action with regards to a specific matter and which **has gained official status**, meaning that the required government procedure for finalization has been concluded. It is usually adopted by the executive power.

For the purposes of this assessment, a national policy also **includes a national strategy**, defined as a comprehensive plan to achieve specific national goals. Unlike laws, policies are not legally binding.

Primary legislation

Primary legislation includes:

- ✓ acts or statutes that have been formally adopted at national level following the official parliamentary procedure for the passage of laws (in parliamentary systems);
- ✓ other acts at national level with the force of law, such as decrees;
- ✓ other legal instruments that have been formally endorsed by a law-making body, for instance presidential and royal orders, or presidential and royal decrees.

In all cases, primary legislation must have the force of law, i.e. be binding. For the purposes of this assessment, primary legislation also includes the Constitution.

Secondary legislation

Secondary legislation includes subsidiary, delegated or subordinate legal instruments that have the force of law, are binding and should not be in contradiction with primary legislation.

They are usually passed by the executive. Examples includes national regulations, rules, by-laws, determinations, directions, circulars, orders and implementing decrees.

Criteria to select the data sources

Together with the checklist, Abena needs to use some specific criteria that she has learned about through the methodological guide in order to select her data sources.

Abena must assess all laws, including the **National Constitution**, that are in force and binding on the day of the assessment. She needs to assess **policies and legislation that have nationwide authority**. Regional laws should only be collected and assessed in countries where the law-making power for land or gender matters lies not with the national government, but is devolved to a regional or other sub-entity (or is shared between national government and sub-national government level). In this case, the national legal expert should collect and assess the regional laws from as many states or counties as may be needed to cover at least 50 percent of the country's total population.

Abena must not assess:

- ✓ legislation that is under discussion, or in the process of being approved.
- ✓ donor-funded programmes, project documents or memoranda of agreements because they don't fall within the legal and policy framework, unless they have been incorporated into it.
- ✓ judicial decisions, or advisory opinions of courts or official bodies, to determine whether a proxy exists in the legal or policy framework.
- ✓ customary and religious laws, unless they have been incorporated into the legal and policy framework.

In collecting her data sources, Abena must consider only:

The **national written** policy and legal framework.

Legislation that is in force and binding on the day of the assessment.

Policies that are in force on the day of the assessment.

Summary

The legal expert in charge of assessing Indicator 5.a.2 examines the national legal and policy framework to check whether it contains the six proxies to monitor progress under Indicator 5.a.2.

This involves:

1. collecting all the relevant policy and legal documents (data sources);
2. for each proxy, determining whether it exists in national policies and legislation.

The legal expert will report the assessment results in three forms.

The only data sources to be considered are:

- ✓ the written policy and legal framework;
- ✓ policies and legislation that have nationwide authority;
- ✓ policies that are in force on the day of the assessment;
- ✓ legislation that is in force and binding on the day of the assessment.