

Dashboard Methodology: 1A

Commitment 1: Secure Tenure Rights

1A	Legal and institutional framework in place at national level for securing tenure rights, for different types of tenure and by sex
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Section 1: Description of Indicator, Implementation and Scoring

Method to be Used	Expert-Based Assessment	
Introduction	<p>Indicator 1A can be considered an umbrella indicator, as it measures the national legal framework that allows tenure rights to be secured, for men and women, and for diverse kinds of tenure.</p> <p>By completing indicator 1A, you will simultaneously derive Dashboard indicators 3A, 4A and 5A. If you implement 1A, you <u>do not</u> need to implement these other indicators.</p>	
Sources of Methodology	Global Land Rights Index (GLRI), the Food and Agricultural Organization (FAO) Legislative Assessment Tool (LAT), LandMark for community land rights, and UNDRIP-Indigenous Navigator for indigenous land rights.	
Data Needed	The information necessary for this indicator can be found in the countries' national laws, its constitution, and ratified international agreements and conventions.	
How to Implement	<ol style="list-style-type: none"> All of the questions in Indicator 1A should be answered by a legal expert, which ideally has knowledge of the legal aspects of land tenure and land rights. Indicator 1A is divided into sections, which we refer to as "blocks." Each block can be considered a "sub-indicator," as it will address a different aspect of the overall indicator. <ol style="list-style-type: none"> The following blocks are part of this indicator: <ul style="list-style-type: none"> Block 1: Private Rights to Land Block 2: Women's Land Rights Block 3: Community Land Rights Block 4: Indigenous Land Rights The blocks on community land (Block 3) and indigenous land (Block 4) may not be applicable in your country. Skip all blocks that don't apply. Your score will be adjusted accordingly at the end. For each block, you will have a "block score" and these block scores will be added in the end to form your final score for Indicator 1A. 	
How to Score	Block 1: Private Land Rights	<ul style="list-style-type: none"> All of the questions in Block 1 on private land rights will be answered "Yes" or "No." There is no middle ground. For each question that is answered "Yes," a reference to the corresponding law or policy should be included in the space below. Every question answered "Yes" will receive three points. Every question answered "No" will receive zero points. There is no in-between score – only zero or three. At the end you will add the scores of all the questions – this total will be the "Block 1 Score" or B1, which will be used for the final calculation.
	Block 2: Women's Land Rights	<ul style="list-style-type: none"> In Block 2, there will be two kinds of questions available: <ul style="list-style-type: none"> Questions answered "Yes," "No," or "Not Applicable" (N/A) Questions answered in a range from 0-3. For all questions answered "Yes" or with a number <u>greater than zero</u>, a reference to the corresponding law or policy should be included in the space below. For questions answered "Yes," "No" or "Not Applicable," <ul style="list-style-type: none"> A "Yes" will receive three points. A "No" will receive zero points. A "Not Applicable" will receive no points, and three points will be deducted from the Block 2 Total score. See below. For questions answered in a range from 0-3, use the Block 2 Rubric as a guide for scoring. It's located just below Block 2. At the end you will add the scores of all the questions – this total will be the "Block 2 Score" or B2, which will be used for the final calculation, together with the Block 1 Total (B1T) This sub-indicator B2 is your score for Dashboard indicator 4A.
	Block 2 Total	<ul style="list-style-type: none"> At the end of Block 2, you will see a section called the "Block 2 Total Possible" or B2T. If all of the questions in Block 2 were applicable – you didn't answer any questions as "Not Applicable" – the total for the Block 2 Total Possible will be 96.

		<ul style="list-style-type: none"> For every question that you answered “Not Applicable,” it is necessary to deduce three points from the original Block 2 Total Possible of 96. For example, if you answered three questions as “Not Applicable” the Block 2 Total Possible would be 87 ($96 - (3 \times 3 = 9) = 87$).
	Block 3: Community Land Rights	<ul style="list-style-type: none"> In Block 3, all questions will be answered using from 4-1, where one is the highest score and four is the lowest. Use the <u>Block 3 Rubric</u> as a guide for scoring all the questions. It’s located just below Block 3. For all questions answered with a number lower than four (e.g.: 3, 2, 1), a reference to the corresponding law or policy should be included in the space below. At the end you will sum the scores of all the questions – this total will be the “Block 3 Score” or B3, which will be used for the final calculation. This sub-indicator B3 is your score for Dashboard indicator 3A.
	Block 4: Indigenous Land Rights	<ul style="list-style-type: none"> In Block 4, there will be two kinds of questions available: <ul style="list-style-type: none"> Questions answered “Yes,” “No,” or “Not Applicable” (N/A) Questions answered in a range from 0-3. For all questions answered “Yes” or with a number greater than zero, a reference to the corresponding law or policy should be included in the space below. For questions answered “Yes,” “No” or “Not Applicable,” <ul style="list-style-type: none"> A “Yes” will receive three points. A “No” will receive zero points. A “Not Applicable” will receive no points, and three points will be deducted from the <u>Block 4 Total</u> (B1T) score. See further explanation below. For questions answered in a range from 0-3, use the <u>Block 4 Rubric</u> as a guide for scoring. It’s located just below Block 4. At the end of Block 4, add the scores of all the questions – this total will be the Block 4 Score, which will be used for the final calculation, together with the Block 4 Total (B4T), below.
	Block 4 Total	<ul style="list-style-type: none"> At the end of Block 4, you will see a section called the “Block 4 Total Possible” or B4T. If all of the questions in Block 4 were applicable – you didn’t answer any questions as “Not Applicable” – the total for the Block 4 Total Possible will be 54. For every question that you answered “Not Applicable,” it is necessary to deduce three points from the original Block 4 Total Possible of 54. For example, if you answered three questions as “Not Applicable” the Block 4 Total Possible would be 45, which is 54 minus 9 ($54 - (3 \times 3 = 9) = 45$).
	1A Final Score	Enter Scores B1, B2, and B3 and B4 to obtain 1A Final Score (0-100), with 100 being the maximum score.

Section 2: Assessment

Block 1: Private Rights to Land

Methodology: Global Land Rights Index (GLRI)

To Score: Use only "Yes" = 3 points, or "No" = 0 points.

Derives: No other indicators

1	Is there a constitutionally recognized, private right to own land?	Y/N
Ref:		
2	Is there a private right to exclude others?	Y/N
Ref:		
3	Is there a private right to enjoy the property for any legal means?	Y/N
Ref:		
4	Is there a private right to transfer or lease land?	Y/N
Ref:		
5	Is there a private right to sell land?	Y/N
Ref:		
6	Is there a private right to general inheritance, or right to inherit land specifically?	Y/N
Ref:		
Block 1 Score (0-18)		B1

Block 2: Women's Land Rights

Methodology: Food and Agricultural Organization (FAO) Legislative Assessment Tool (LAT)

To Score: Use *Block 2 Rubric* below, filling only the squares indicated in light blue.

Derives: Dashboard Indicator 4A

1	The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is ratified	Y/N N/A
Ref:		
2	African human rights instruments are ratified	
2(a)	The African Charter on Human and Peoples' Rights (ACHPR) is ratified.	Y/N N/A
Ref:		
2(b)	The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)	Y/N N/A
Ref:		
3	The European Convention on the Protection of Human Rights and Fundamental Freedoms (ECHR) is ratified	Y/N N/A
Ref:		
4	The American Convention on Human Rights (Pact of San José) is ratified	Y/N N/A
Ref:		
5	The Constitution prohibits gender-based discrimination	Y/N N/A
Ref:		
6	The Constitution recognizes customary law yet gives supremacy to provisions concerning gender equality and non-discrimination in case of conflict	Y/N N/A
Ref:		
7	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.	Y/N N/A
Ref:		
8	The Constitution promotes the adoption of special measures for the advancement of women.	Y/N N/A
Ref:		
9	Financial resources are allocated to increase women's ownership and control over land	0-3
Ref:		
10	Quotas are established for women's participation in land management and administration institutions	0-3
Ref:		
11	Men and women have the ability to conclude contracts under the same basic conditions, rights and obligations	0-3
Ref:		
12	Men and women are able to apply for identity documents under the same conditions	0-3
Ref:		
13	A female national can confer citizenship to her non-national spouse under the same conditions as a male national	0-3
Ref:		
14	Women can confer citizenship to their children under the same conditions as men	0-3
Ref:		
15	Gender equality in the right to own or control property within marriage is recognized	0-3
Ref:		
16	The law recognizes full or partial community of property as the default marital property regime	0-3; N/A
Ref:		
17	Spousal or partner consent is required for transactions involving land	
17(a)	Spousal consent is required for land transactions	0-3
Ref:		

17(b)	Partner consent is required for land transactions	0-3
Ref:		
18	Joint registration of land is compulsory or encouraged through economic incentives	
18(a)	Joint registration of land is compulsory or encouraged through economic incentives for married couples	0-3
Ref:		
18(b)	Joint registration of land is compulsory or encouraged through economic incentives for unmarried couples	0-3
Ref:		
19	Specific reference is made to the protection of women's land rights within the context of legislation recognizing customary land tenure	0-3; N/A
Ref:		
20	Equal right of male and female surviving spouses or partner to a share of the deceased estate	
20(a)	Equal right of male and female surviving spouses to inherit a share of the deceased's estate	0-3
Ref:		
20(b)	Equal right of male and female surviving partner to inherit a share of the deceased's estate	0-3
Ref:		
21	Equal right of male and female surviving spouses or partner to a lifetime use of the family home	
21(a)	Equal right of male and female surviving spouses to a lifetime use of the family home	0-3
Ref:		
21(b)	Equal right of male and female surviving partner to a lifetime use of the family home	0-3
Ref:		
22	Gender equality in inheritance for sons and daughters is guaranteed	
22(a)	Equal right to inherit for sons and daughters	0-3
Ref:		
22(b)	A right of sons and daughters to inherit equal shares	0-3
Ref:		
23	Equality before the courts is guaranteed	0-3
Ref:		
24	Access to the judicial system and other recognised dispute resolution bodies to resolve disputes over tenure rights is guaranteed	0-3
Ref:		
25	Legal support for land tenure disputes is provided	0-3
Ref:		
26	- A national human rights or gender-specific institution is established	0-3
Ref:		
Block 2 Score		B2
Block 2 Total Possible		B2T

Block 2 Rubric: Use to Score Block 2

Description	Examples of legal or policy instruments	Stage
Absence of the indicator in the legal and policy framework	The legal and policy framework does not contain the proxy.	0
A draft national policy document provides for the adoption of the indicator	Draft policy, Draft Strategy, Draft National Program, Draft Lettre Politique, Draft (Land) Plan	0.5
A policy is in place, incorporating the indicator	Policy, National Program, Lettre Politique, Plan, Strategy	1
Draft legislation (bill or otherwise) contains the indicator	Bill or draft statute, draft code, draft decree, Draft Constitution or draft constitutional amendment	1.5
Primary legislation reflects the indicator	Statute, Act and Code, Loi Cadre/d'Orientation, Proclamation, Executive, Presidential or Royal Decree, Decision by Council of Ministers, Constitution	2
Secondary legislation contains the indicator	Regulation, Ministerial Order, Rules or By-Law, Circular, Directive, Sub-Decree, Presidential proclamation, Resolution, Arrêté	3
The indicator does not apply to the country	This will only apply when the geographical coverage of the treaty does not include the country, where customary or religious law are not recognised in the country, where there is no national identity card, or where there is no default marital regime.	N/A

Block 3: Community Land Rights

Methodology: LandMark Legal Security Indicators

To Score: Use *Block 3 Rubric* below.

Derives: Dashboard indicator 3A

1	Does the law recognize all rights that communities exercise over their lands as lawful forms of ownership?	4-1
Ref:		
2	Although private and customary, and indigenous are different forms of land ownership, does the law give them equal levels of protection?	4-1
Ref:		
3	Does the law lay out simple and cheap procedures for community lands to be mapped and registered if they wish?	4-1
Ref:		
4	Does the law enable a community to be a registered owner without it forming a legal entity in which to vest title?	4-1
Ref:		
5	Does the law recognize communities as the legal administrator of community/indigenous land?	4-1
Ref:		
6	Does the law recognize customary lands as held in perpetuity?	4-1
Ref:		
7	Does the law require the consent of a community prior to its land being acquired by government or another actor?	4-1
Ref:		
8	Does the law recognize that rights to community land include ownership of all trees on the land?	4-1
Ref:		
9	Does the law recognize that waters belong to the community within whose lands these are found?	4-1
Ref:		
10	Does the law allow a community to own lands declared to be Protected Areas?	4-1
Ref:		
Block 3 Score (40-10)		B3

Block 3 Rubric: Use to Score Block 3 (LandMark)

Description	Score
No, the law does not address the issue. There are no attempts in the law to meet the issue addressed in the indicator.	4
Partial, the law makes only limited progress towards addressing the issue. The legal framework addresses the indicator, but insignificantly.	3
Partial, the law makes significant progress towards addressing the issue. The legal framework makes significant progress towards, but does not entirely meet the issue addressed in the indicator.	2
Yes, the law addresses the issue fully. The legal framework clearly or expressly meets the issue addressed in the indicator.	1
The indicator is not applicable. Not applicable is used in cases where the subject matter in question is non-existent.	N/A
Not enough data to score or not evaluated. No data applies when the country and/or indicator has not been evaluated or there is a lack of sufficient information.	ND

Block 4: Indigenous Rights to the Land

Methodology: Indigenous Navigator (UNDRIP)

To Score: Use *Block 4 Rubric* below for questions answered with a range (0-3). A question answered “Yes” will receive three points; a question answered “No” will receive zero points.

Derives: Dashboard indicator 5A

1	Have the ICCPR; ICESCR, ICERD, CRC, CEDAW; and fundamental ILO Conventions, ILO Conventions Nos. 107 and 169, been ratified?	Y/N
Ref:		
1.a	Has the American Convention on Human Rights been ratified?	Y/N; N/A
Ref:		
1.b	Has the African Charter on Human and Peoples been ratified?	Y/N; N/A
Ref:		
2	Have national action plans been developed by States, in consultation and cooperation with indigenous peoples, to achieve the ends of the UNDRIP?	0-3
Ref:		
3	Do domestic law(s) prohibit advocacy of hatred constituting incitement to discrimination, hostility or violence against indigenous peoples?	Y/N
Ref:		
4	Are the collective rights of indigenous peoples to self-determination, i.e. to freely determine their political status and freely pursue their economic, social and cultural development, recognized in the constitution or other forms of superior law?	0-3
Ref:		
5	Is the recognition of indigenous peoples' distinct identity in the constitution or national legislation based on self-identification?	Y/N
Ref:		
6	Is indigenous peoples' right to self-government recognized in national legislation?	Y/N
Ref:		
7	Are indigenous peoples' self-governing institutions and territories recognized in the political-administrative structure of the State?	Y/N
Ref:		
8	Do indigenous peoples' self-governing institutions exist?	Y/N
Ref:		
9	Is the jurisdiction of customary law institutions recognized in the constitution or other forms of superior law or domestic law(s)?	Y/N
Ref:		
10	Are indigenous peoples' rights to lands, territories and resources recognized in national legislation?	Y/N
Ref:		
11	Are there clear procedures adopted by the State for identification, demarcation, mapping and registration of indigenous peoples' lands or territories lands, in consultation with and in accordance with indigenous norms, values and customs?	0-3
Ref:		
12	Is indigenous peoples' right to maintain cross-border contacts and collaboration recognized in national legislation?	Y/N
Ref:		
13	Is it a state duty to consult with indigenous peoples before adopting or implementing legislative or administrative measures that may affect them and prior to approval of any project that affects their lands, territories and resources in national legislation recognized?	Y/N
Ref:		
14	Do procedures or mechanisms for State consultation with indigenous peoples exist at national, sub-national and	0-3

	local levels?	
Ref:		
15	Is the right of indigenous peoples to participate in decisions that may affect them, through their representative institutions, recognized in national legislation?	Y/N
Ref:		
16	Is right to access to translation into indigenous languages in legal proceedings recognized in the national legislation?	Y/N
Ref:		
Block 4 Score (0-54)		B4
Block 4 Total Possible		B4T

Block 4 Rubric: Use to Score Block 4

Description	Score
No, the law does not address the issue. There are no attempts in the law to meet the issue addressed in the indicator.	0
Partial, the law makes only limited progress towards addressing the issue. The legal framework addresses the indicator, but insignificantly.	1
Partial, the law makes significant progress towards addressing the issue. The legal framework makes significant progress towards, but does not entirely meet the issue addressed in the indicator.	2
Yes, the law addresses the issue fully. The legal framework clearly or expressly meets the issue addressed in the indicator.	3

Section 3: Results

Compute Total Score:

Block 1 Score (0-18)	B1
Block 2 Score (0-96)	B2
Block 2 Total Possible	B2T
Block 3 Score (40-10)	B3
Block 4 Score (0-54)	B4
Block 4 Total Possible	B4T
1A Final Score (0-100) if all Blocks were completed:	$\left[\frac{\left(\frac{B1}{18}\right) + \left(\frac{B2}{B2T}\right) + \left(\frac{40 - B3}{30}\right) + \left(\frac{B4}{B4T}\right)}{4} \right] \times 100$
1A Final Score (0-100) without Block 3:	$\left[\frac{\left(\frac{B1}{18}\right) + \left(\frac{B2}{B2T}\right) + \left(\frac{B4}{B4T}\right)}{3} \right] \times 100$
1A Final Score (0-100) without Block 4:	$\left[\frac{\left(\frac{B1}{18}\right) + \left(\frac{B2}{B2T}\right) + \left(\frac{40 - B3}{30}\right)}{3} \right] \times 100$
1A Final Score (0-100) without Blocks 3 and 4:	$\left[\frac{\left(\frac{B1}{18}\right) + \left(\frac{B2}{B2T}\right)}{2} \right] \times 100$

1A Final Score	0-100
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