

Example country

Example region, 2023

On-going, 0%

Image Placeholder

National Assessment

Name of your organisation

Respondent description

Reviewer description

Published:

Survey Answers

1. PROTECTION OF LEGITIMATE TENURE RIGHTS

This cluster assesses the fundamental rights and safeguards essential to protect legitimate tenure rights. It is fundamental to all the other clusters. The concept of 'legitimate tenure rights' refers to a broad range of rights from formal rights and legal ownership to non-formal rights, more limited rights of use and access, and customary land rights.

Protection of legitimate tenure rights

1.1. Has the State ratified the international instruments most relevant to the protection of legitimate tenure rights (tick all that apply):

International Covenant on Civil and Political Rights (ICCPR)?

Optional Protocol to the ICCPR?

International Covenant on Economic, Social and Cultural Rights (ICESCR)?

Optional Protocol to the ICESCR?

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)?

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)?

Optional Protocol to CEDAW?

Convention on the Rights of the Child (CRC)?

Optional Protocol to the CRC on a communications procedure?

International Convention on the Rights of Migrant Workers (ICMW)?

International Convention on the Rights of Persons with Disabilities (ICRPD)?

ILO Convention No. 169?

ILO Convention No. 111?

Status: open

Review status: Not reviewed

Guidance

When a state ratifies an instrument, it then has binding human rights obligations. Optional protocols to UN human rights treaties are also important – many allow complaints to be made to the relevant international committees.

Once ratified, ILO and UN treaties are legally-binding on states, although there may be a short time lag before they come into force.

Data sources

For ratification of UN human rights treaties: <https://indicators.ohchr.org/>(<https://indicators.ohchr.org/>)

For ratification of ILO Conventions (treaties): <https://www.ilo.org/dyn/normlex/en/f?p=1000:11001::NO>(<https://www.ilo.org/dyn/normlex/en/f?p=1000:11001::NO>)::

1.2. Has the State ratified the regional instruments most relevant to the protection of legitimate tenure rights (tick all that apply):

African Charter on Human and Peoples' Rights

African Charter on the Rights and Welfare of the Child

Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa

European Convention for the Protection of Human Rights and Fundamental Freedoms

Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms

Protocol No. 4 to the European Convention for the Protection of Human Rights and Fundamental Freedoms

Protocol No. 7 to the European Convention for the Protection of Human Rights and Fundamental Freedoms

Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms

Revised European Social Charter of 1996

American Declaration on the Rights and Duties of Man

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural rights

Status: open

Review status: Not reviewed

1.3. Does your country have a dualist system?

Yes

No

Status: open

Review status: Not reviewed

1.4 Have any of the above instruments been domesticated/formulated into national laws

	Yes	Partially	No
International Covenant on Civil and Political Rights	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Optional Protocol to the ICCPR	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
International Covenant on Economic, Social and Cultural Rights (ICESCR)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Optional Protocol to the ICESCR	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Optional Protocol to CEDAW	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Convention on the Rights of the Child (CRC)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Optional Protocol to the CRC on a communications procedure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
International Convention on the Rights of Migrant Workers (ICMW)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
International Convention on the Rights of Persons with Disabilities (ICRPD)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
ILO Convention No. 169	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
ILO Convention No. 111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Status: open

Review status: Not reviewed

1.5 Regional instruments

	Yes	No	Not relevant
African Charter on Human and Peoples' Rights	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
African Charter on the Rights and Welfare of the Child	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
European Convention for the Protection of Human Rights and Fundamental Freedoms	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protocol No. 4 to the European Convention for the Protection of Human Rights and Fundamental Freedoms	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protocol No. 7 to the European Convention for the Protection of Human Rights and Fundamental Freedoms	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Revised European Social Charter of 1996	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
American Declaration on the Rights and Duties of Man	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural rights	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Status: open

Review status: Not reviewed

1.6. During the last 5 years, has the State received specific comments/ recommendations concerning the protection of legitimate tenure rights from

any of the following mechanisms/ monitoring bodies?

Select all that apply.

- Human Rights Committee (monitors the implementation of the International Covenant on Civil and Political Rights)
- International Committee on Economic, Social and Cultural Rights
- International Committee on the Elimination of All Forms of Racial Discrimination
- International Committee on the Elimination of All Forms of Discrimination Against Women
- Committee on the Rights of the Child
- Committee on the Rights of Migrant Workers
- Committee on the Rights of Persons with Disabilities
- Universal Peer Review
- Human rights Special Procedures - SR Food
- Human rights Special Procedures - SR Housing
- Human rights Special Procedures - SR Indigenous people
- Human rights Special Procedures - SR Minorities
- Human rights Special Procedures - SR Other (please specify in comments)
- ILO's Committee on the Application of Conventions and Recommendations for Convention No. 111
- ILO's Committee on the Application of Conventions and Recommendations for Convention No. 169

Status: open

Review status: Not reviewed

Guidance

The first question assesses whether there has been international scrutiny by human rights bodies of the situation regarding rights to land, property and resources.

The observations and country-specific recommendations as well as General Comments and General Recommendations by Treaty Bodies, recommendations of the UPR, reports and recommendations of the UN Human Rights Special Procedures and the Observations and recommendations of the ILO's Committee on the Application of Conventions and Recommendations (CEACR) all aim to guide states to improve the protection of human rights in line with international standards. Many of these comments are specifically on tenure of different kinds. Many also address land issues through the lens of the rights enshrined in those instruments (e.g., right to adequate housing, right to property, etc.), with a view to clarifying the application of those rights to tenure. Most of the bodies listed here supervise the application of specific ratified treaties. They are independent expert mechanisms. Their observations and recommendations are authoritative.

Others, such as the Human Rights Council, and the Human Rights Special Procedures of the UN, do not specifically focus on one ratified treaty but examine human rights more broadly in a given country (The Universal Periodic Review), or, they have a thematic-specific or a country-specific mandate (e.g., Human Rights Special Procedures). These mechanisms may also take into consideration non-binding human rights instruments such as Declarations, in their assessments and recommendations.

Data sources

To find the comments/recommendations go to:

The Universal Human Rights Index (<https://uhri.ohchr.org/en/search-human-rights-recommendations>) which contains the recommendations from the UN human rights bodies charged with oversight of the implementation of human rights treaties and other instruments. Search by country and by the specific human rights themes (dropdown lists) of “Land and property rights” and “right to adequate housing”.

The results will show the recommendations from every human rights body of relevance. You can filter the search results by UN Human Rights body if you wish. You can also do a general free text search for more specific terms.

For ILO Instruments, go to ILO Normlex (<https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:20010:0::NO::>), select the number of the Convention and the country you are interested in and you will get a list of documents containing observations and comments. Here also you can use a free text search.

To find information about implementation you may go to:

National human rights tracking databases.

National Human Rights Institution reports.

Information from relevant Ministries responsible for implementing or tracking the recommendations including Ministries of Foreign Affairs.

1.7. Please assess the progress in implementing the recommendations on legitimate land rights protection, on up to three issues.

Group the recommendations into topics and please list the topics.

<input type="text"/>	Topic 1
<input type="text"/>	Topic 2
<input type="text"/>	Topic 3

Status: open

Review status: Not reviewed

Guidance

The second question concerns the follow up and implementation of the recommendations on legitimate land rights protection. Please assess what, if any, efforts have been undertaken by the state to respond to and implement the recommendations of international human rights and labour standards oversight bodies.

If there are multiple recommendations on different issues, please group by issue.

Please assess the progress (fill in relevant):

	Topic 1	Topic 2	Topic 3
Fully accomplished, the issue has been addressed and the problematic situation has improved.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Some progress (e.g. legal or administrative measures have been proposed and/or adopted but not implemented)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
None, no legal or administrative measures have been proposed	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Status: open

Review status: Not reviewed

1.8. Please provide additional information about the implementation and references as relevant.

Additional information

Status: open

Review status: Not reviewed

1.9. Do national laws allow for private ownership or possession of land and property?

Ticking the box means yes, and an empty box means no.

	Men	Women
There are no restrictions on individual ownership or possession of land, property or resources in the national legal framework.	<input type="checkbox"/>	<input type="checkbox"/>
The national legal framework partially allows for private ownership or possession of land and property but with some limitations or contradictions within the legal framework.	<input type="checkbox"/>	<input type="checkbox"/>
The national legal framework effectively prevents ownership or possession of land and property by individuals as the Constitution vests all land in the state or otherwise prevents private ownership or possession.	<input type="checkbox"/>	<input type="checkbox"/>

Status: open

Review status: Not reviewed

Guidance

This question aims to assess the level of protection in national laws of legitimate private tenure rights for men and women. It uses human rights standards to inform these considerations.

Select the response that most closely corresponds to the situation in your country.

Legitimate tenure rights are not always recognised by national legislation. Often, the most vulnerable to violations of their legitimate tenure rights do not enjoy legal or formal recognition of their tenure rights, or their legal status does not provide sufficient protection of their tenure rights.

Legitimate tenure rights are relevant to all kinds of tenure – land, housing, property more generally. They can be individual or collective, be on private or public land. They can be formal or informal.

Data sources

Data for some of the questions can be found for some countries in the data linked to LANDex Indicator

1A(<https://www.landexglobal.org/en/datasets/download-data/>). However, it is not disaggregated by sex so additional information will have to be sought by the respondent from national legal databases or repositories (National constitution, national laws on land, agriculture, culture, equality, other relevant laws).

LANDex data can be downloaded in excel format here(<https://www.landexglobal.org/en/datasets/download-data/>) by selecting the

1.10 - 1.14. Does the law provide for a:

	Men	Women
1.10 Private right to transfer or lease land or property?	<input type="checkbox"/>	<input type="checkbox"/>
1.11 Private right to exclude others?	<input type="checkbox"/>	<input type="checkbox"/>
1.12 Private right to sell land and property?	<input type="checkbox"/>	<input type="checkbox"/>
1.13 Private right to inherit land and property?	<input type="checkbox"/>	<input type="checkbox"/>
1.14 Private right to bequeath land and property?	<input type="checkbox"/>	<input type="checkbox"/>

Status: open

Review status: Not reviewed

1.15. Please provide details on any limitations or contradictions within the legal framework

Information

Status: open

Review status: Not reviewed

1.16. Does the Constitution or national legislation recognise customary law as it relates to land, property and resources?

- Yes, the law fully recognises customary law as it relates to land, property and resources.
-
- Partially, the law recognises customary law as it relates to land, property and resources, but there are some gaps.
-
- No: the law does not recognise customary law as it relates to land, property and resources.

Status: open

Review status: Not reviewed

Guidance

This question aims to ascertain whether customary law is recognised and can co-exist as a source of law in a national context – to the extent that it is not incompatible with non-discrimination and gender equality.

The provisions of the VGGT are intended to cover all legitimate tenure holders. In many countries, there are communities whose use of land is regulated by customary law. It is therefore important to assess whether this is recognised and protected in national legislation.

Many aspects of land governance are regulated through customary law and therefore, if it is formally recognised in national law, it can provide additional recognition and security of customary forms of tenure.

Lack of recognition of customary rights to land, property and resources has been a major challenge for the protection of those rights in practice.

Human rights standards should protect the rights of all. This includes protection of all groups of rights-holders, and the protection of different rights such as cultural rights and equality before the law, that are of relevance for the protection of customary rights to land.

International human rights standards such as those on the rights of indigenous peoples (the UN Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169) and on the rights of peasants (the UN Declaration on the Rights of Peasants) protect customary rights. You can see the relevant provisions in international human rights law of relevance to customary law in the Human Rights and Land Navigator. [🔗](#)

Data sources

National legal databases or repositories (National constitution, national laws on land, agriculture, culture, equality, other relevant laws). See also FAOLEX database (<https://www.fao.org/faolex/en/>), official gazettes.

1.17. Please describe any gaps in relation to the recognition of customary law of communities in the constitution or national legislation in the box below:

Describe any gaps

Status: open

Review status: Not reviewed

1.18. Does the Constitution recognise customary law but state that gender-based discrimination in customary law (where it exists) is superseded by the principle of non-discrimination in the Constitution?

Yes

No

Status: open

Review status: Not reviewed

1.19. Do national laws allow for collective or communal ownership or possession of land and other forms of property?

Yes, fully: There are no significant restrictions on collective ownership or possession of land, property or resources in the national legal framework.

Partially: the national legal framework partially allows for collective ownership or possession of land and property but with significant limitations or contradictions within the legal framework.

No: The national legal framework effectively prevents collective ownership or possession of land and property

Status: open

Review status: Not reviewed

Guidance

This question assesses the level of recognition and protection in the national legal framework of collective land and property rights. Lack of recognition of collective rights to land, property and resources has been a major challenge for the protection of those rights in practice.

Restrictions on the collective ownership or possession of land, property and resources might include things like restrictions in areas of land designated for other purposes like industry or protected areas; restrictions on the area of land it is possible to claim a collective right to (that mean the area is less than the area traditionally used by a community, for example); or restrictions on the ways that collective land can be used. This is not an exhaustive list as there are many types of restrictions that may be enshrined in law that could curtail the full exercise of rights to collective land.

Collective or communal land, property and resource rights are a common feature of rural communities including but not limited to indigenous peoples. Collective land, property and resource rights can also be related to legally- or informally- constituted groups of individuals working in a common interest such as cooperatives, associations or other types of groups.

Collective rights to land, property and resources are linked to a range of human rights such as those listed here, which are enshrined in numerous human rights treaties and declarations. More specifically, international human rights standards such as those on the rights of indigenous peoples (the UN Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169) and on the rights of peasants (the UN Declaration on the Rights of Peasants) protect collective tenure rights.

Data sources

National legal databases or repositories, Ministries and government agencies mandated to oversee land administration (land reform / agriculture / forestry, conservation, etc.). See also FAOLEX database(<https://www.fao.org/faolex/en/>), official gazettes.

1.20. Does national legislation recognise that collective or communal land and property rights may be held in perpetuity?

Yes

No

Status: open

Review status: Not reviewed

1.21. Please provide additional information on the legal framework and any gaps and limitations in relation to the recognition of collective rights.

Gaps and limitations

Status: open

Review status: Not reviewed

1.22. Do national laws contradict each other when it comes to the protection of land, property and resource rights for individuals or groups?

Yes, there are contradictions in the following areas (tick all that apply below):

No – there are no contradictions

Status: open

Review status: Not reviewed

Guidance

In most countries, different laws will govern different aspects of land, property and resource rights. These might include laws those on urban land, rural land, agriculture, forests, the public domain, environmental conservation, mining, infrastructure, among many others.

Sometimes these laws may contradict each other which can create confusion about which provisions apply in a specific situation, and which national body is responsible for that particular issue. Often, these contradictions can also result in denial of legitimate tenure rights.

Data sources

National legal databases or repositories (laws on land administration, land reform / agriculture / forestry, conservation, public and private domain, etc.)

National legislation repositories. See also FAOLEX database(<https://www.fao.org/faolex/en/>), official gazettes.

Tick of areas with contradictions

- Laws on land, property and resources contradict or negate constitutional provisions on the right to property for all

- Laws governing activities that impact land, property and resources (e.g., mining, infrastructure, conservation, forests, agriculture, public domain) contradict legal provisions on the right to on individual or collective ownership of land, property and

- Laws on the mandate of local authorities in decision-making on land, property and resources contradict laws on the recognition and mandate of customary, traditional or cultural authorities.

- Laws on rights to land, property and resources contradict laws protecting the rights of specific groups (e.g., indigenous peoples, peasants, etc.)

- Other (please state in comment box)

Status: open

Review status: Not reviewed

1.23 Please further describe any contradictions and refer to specific laws and provisions

Additional information

Status: open

Review status: Not reviewed

1.24. Does the law allow for a community to legally possess or own land, property or resources without first having to register as a legal entity?

- Yes, the law fully enables communities to legally possess or own land, property or resources without first having to register as a legal entity

- Partially, the law partially enables to legally possess or own land, property or resources without first having to register as a legal entity, but there are restrictions and limitations.

- No, the law does not enable communities to legally possess or own land, property or resources without first having to register as a legal entity

Status: open

Review status: Not reviewed

Guidance

This question aims to assess whether a community can be recognised in its own rights for the purposes of legal ownership or possession of land, or, has the possibility to be registered as a legal entity in order to be able to be registered as a legal owner of land or other forms of property.

It is important that they are recognised as legal entities for the purposes of registering land and property. If the law does not provide for this possibility, it can be difficult to claim collective rights, even if the law does provide for them. Registration as a legal entity can be cumbersome, expensive and out of reach for many communities.

Data sources

Data sources: Laws and regulations related to Ministries and government agencies mandated to oversee land administration (land reform / agriculture / forestry, conservation, etc.)

There may be information in official gazette, national legal databases or repositories, laws on representation of traditional authorities.

National human rights tracking databases

See also:

FAOLEX database(<https://www.fao.org/faolex/en/>)

Universal Human Rights Index(<https://uhri.ohchr.org/en/search-human-rights-recommendations>) (using keyword searches)

ILO Normlex(<https://www.ilo.org/dyn/normlex/en/f?p=1000:20010::NO::>) (under Convention 169)

1.25. Does the law allow for a community to register as a legal entity for the purposes of legally possessing or owning land, property or resources?

- Yes, the law fully enables communities to be registered as a legal entity for the purposes of managing, using, possessing or owning land, property or resources.
-
- Partially, the law partially enables a community to be registered as a legal entity for the purposes of managing, using, possessing or owning land, but there are restrictions and limitations.
-
- No, the law does not enable a community to be registered as a legal entity for the purposes of managing, using, possessing or owning land, property or resources

Status: open

Review status: Not reviewed

1.27. Is information about procedures for the recognition or obtainment of legal personality for the purposes of registration and management of property, land and resources publicly available?

- Yes, it is available
-
- Partially, some information is made available, but the information is not complete
-
- No, it is not available

Status: open

Review status: Not reviewed

Guidance

The recognition of legal personality is often a precondition for obtaining legally-recognised or formal rights to land, property and resources. Often, procedures for obtaining legal personality are complicated, difficult to understand and can be costly.

If adequate, accessible procedures are not in place then this may preclude that tenure rights are recognised.

Data sources

Ministries and government agencies mandated to oversee land administration (land reform / agriculture / forestry, conservation, etc.)

Is it made accessible:

	Yes	No
In languages spoken by minorities in the country?	<input type="radio"/>	<input type="radio"/>
In formats other than writing (such as audio or visual)?	<input type="radio"/>	<input type="radio"/>

Status: open

Review status: Not reviewed

How is it made accessible? (click the answer that applies)

- On a website available to anyone searching for it

- On request - documents/information can generally be obtained within 1 week of request

- On request - it generally takes at least a few weeks after request/or it is not unusual that documents/information cannot be produced in response to a request

Status: open

Review status: Not reviewed

Does it cost anything to get this information? (click the answer that applies)

- No, it is free of cost
- Yes, there is a small fee, but it is affordable even to people with low-income
- Yes, there is a fee, and it would likely be too costly for those with low-income

Status: open

Review status: Not reviewed

1.28. Proportion of total adult population ...

	Total	Men	Women	Rural	Urban	Renters
... with formal/legally recognized documentation of rights	Total: ... with formal/legally recognized documentation of rights	Men: ... with formal/legally recognized documentation of rights	Women: ... with formal/legally recognized documentation of rights	Rural: ... with formal/legally recognized documentation of rights	Urban: ... with formal/legally recognized documentation of rights	Renters: ... with formal/legally recognized documentation of rights
... with informal documentation of rights to land, property and natural resources	Total: ... with informal documentation of rights to land, property and natural resources	Men: ... with informal documentation of rights to land, property and natural resources	Women: ... with informal documentation of rights to land, property and natural resources	Rural: ... with informal documentation of rights to land, property and natural resources	Urban: ... with informal documentation of rights to land, property and natural resources	Renters: ... with informal documentation of rights to land, property and natural resources
... with no documentation of rights to land, property or natural resources	Total: ... with no documentation of rights to land, property	Men: ... with no documentation of rights to land, property or	Women: ... with no documentation of rights to land, property	Rural: ... with no documentation of rights to land, property	Urban: ... with no documentation of rights to land, property	Renters: ... with no documentation of rights to land, property

	or natural resources	natural resources	or natural resources	or natural resources	or natural resources	or natural resources
... that feels insecure in their property rights?	Total: ... that feels insecure in their property rights?	Men: ... that feels insecure in their property rights?	Women: ... that feels insecure in their property rights?	Rural: ... that feels insecure in their property rights?	Urban: ... that feels insecure in their property rights?	Renters: ... that feels insecure in their property rights?

Status: open

Review status: Not reviewed

Guidance

The indicator aligns with the official SDG indicator 1.4.2. and hence also official data collection efforts.

The response options align with Prindex data, which is the biggest repository of data on SDG indicator 1.4.2. Please try to retrieve existing data, if available, for this indicator. No new data collection is expected for this question.

While the official SDG indicator considers legally recognized documentation only, the Prindex data expands on this and asks about other forms of documentation – both formal (for example a title deed or certificate of occupancy or ownership) or informal (such as a property tax receipt or utility bill).

Data sources

Data for SDG indicator 1.4.2 is available for some countries. The links take you to SDG data that measures the indicator in question <https://landportal.org/book/dataset/sdg142> (<https://landportal.org/book/dataset/sdg142>)

<https://www.prindex.net/data/> (<https://www.prindex.net/data/>) has a larger global repository of data designed to measure progress towards SDG indicator 1.4.2

National sources include national statistical offices, Ministries and government agencies mandated to oversee land administration (land reform / agriculture / forestry, etc.).

1.29. Have conflicts over any of the following occurred in the last 3 years:

	Yes, common	Yes, but few	No, rare
Ownership due to lack of land registration	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Destruction of land and property	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Evictions or forced evictions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Multiple sales/allocations of land	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Land grabbing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Access to and control over natural resources	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Boundaries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Inheritance or bequeathment of property or land	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The value of land/valuation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Payment for using/buying land, property and natural resources	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Compensation, resettlement or restitution	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other reason (Please specify in comment box)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Status: open

Review status: Not reviewed

Guidance

This indicator seeks to capture the types of land conflicts most prevalent in the country. It will in many cases be challenging to obtain good data. Hence, the respondent will have to make an assessment based on information pieced together from the National Human Rights Institution (based on complaints handling), comments from international human rights bodies, legal aid institutions/ departments, civil society organisations working on land rights, media reports and similar.

Data sources

NHRI complaints mechanisms

Media, NGO or other reports

Information from relevant Ministries responsible for land or related complaint receipt and conflict handling

Universal Human Rights Index(<https://uhri.ohchr.org/en/search-human-rights-recommendations>)

ILO Normlex(<https://www.ilo.org/dyn/normlex/en/f?p=1000:20010:::NO:::>) (comments and recommendations on ILO Convention No. 169)

1.30. Over the past 3 years, has the number of conflicts been:

	Increasing	Stable	Decreasing	Don't know/ no data
Ownership due to lack of land registration	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Destruction of land and property	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Evictions or forced evictions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Multiple sales/allocations of land	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Land grabbing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Access to and control over natural resources	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Boundaries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Inheritance or bequeathment of property or land	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The value of land/valuation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Payment for using/buying land, property and natural resources	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Compensation, resettlement or restitution	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other reason (Please specify in comment box)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Status: open

Review status: Not reviewed

1.31. Please provide additional information and references, as relevant

Additional information

Status: open

Review status: Not reviewed

2. RESPONSIBLE GOVERNANCE OF TENURE

This cluster assesses the fundamental rights and safeguards essential to protect legitimate tenure rights. It is fundamental to all the other clusters. The concept of 'legitimate tenure rights' refers to a broad range of rights from formal rights and legal ownership to non-formal rights, more limited rights of use and access, and customary land rights. This cluster focuses on legal safeguards prior to dispossession including related to expropriation, land grabbing, and prevention of forced evictions. This also includes requirements to undertake environmental, social, and human rights impact assessments.

Questions

2.1. Has the State adopted procedures for identification, demarcation, mapping and registration of lands and resources of all legitimate rights holders that claim rights to those areas?

- Yes, all relevant procedures are adopted
-
- Partially: procedures are adopted but with some gaps
-
- No procedures adopted

Status: open

Review status: Not reviewed

Guidance

This question monitors states' implementation of a fair, independent, impartial, open and transparent process, with participation of concerned rights-holders, to recognize and adjudicate their rights to land and resources.

Procedures may be enshrined in laws, policies or administrative orders, or official guidance may have been approved or published. International human rights bodies have made specific observations and recommendations on the necessity of ensuring adequate demarcation, mapping and registration of land with a view to ensuring adequate protection of land, property and resource rights.

These include the:

Human Rights Committee

International Committee on Economic, Social and Cultural Rights

International Committee on the Elimination of All Forms of Racial Discrimination

Committee on the Rights of the Child

ILO's Committee on the Application of Conventions and Recommendations (for Conventions No. 169)

Human Rights Council

Human Rights Special Procedures

Data sources

Ministries and government agencies mandated to oversee land administration (land reform / agriculture / forestry, conservation, etc.)

Information may also be found in comments from human rights supervisory bodies:

Universal Human Rights Index(<https://uhri.ohchr.org/en/search-human-rights-recommendations>)

ILO Normlex(<https://www.ilo.org/dyn/normlex/en/f?p=1000:20010::NO::>) (comments and recommendations on ILO Convention No. 169)

2.2. Have procedures been adopted in relation to both individual and collective rights?

- Yes, both individual and collective rights
-
- Only in relation to individual rights
-

Only in relation to collective rights

Neither in relation to individual nor collective rights

Status: open

Review status: Not reviewed

2.3. Is information about the procedures for identification, demarcation, mapping and registration of lands publicly available?

Yes, it is publicly available

Partially, some information is made available but the information is not complete

No, it is not publicly available

Status: open

Review status: Not reviewed

Is it made accessible:

	Yes	No
In languages spoken by minorities in the country?	<input type="radio"/>	<input type="radio"/>
In formats other than writing (such as audio or visual)?	<input type="radio"/>	<input type="radio"/>

Status: open

Review status: Not reviewed

How is it made accessible? (click the answer that applies)

On a website available to anyone searching for it

- On request - documents/information can generally be obtained within 1 week of request
-
- On request - it generally takes at least a few weeks after request/or it is not unusual that documents/information cannot be produced in response to a request

Status: open

Review status: Not reviewed

Does it cost anything to get this information? (click the answer that applies)

- No, it is free of cost
-
- Yes, there is a small fee, but it is affordable even to people with low-income
-
- Yes, there is a fee, and it would likely be too costly for those with low-income

Status: open

Review status: Not reviewed

2.4. Has the state adopted any procedures for the conversion of informal tenure into formal tenure?

- Yes on a national scale
-
- Partially or in some cases
-
- No

Status: open

Review status: Not reviewed

Guidance

This question assesses whether there is a formal process for regularising informal tenure either in a comprehensive way at national level or through addressing it partially or in specific areas.

Data sources

Data sources: Ministries and government agencies mandated to oversee land administration (land / land reform / agriculture / forestry, conservation, etc.)

Concepts

Informal tenure

Informal tenure means that the tenure in question is not formally documented, or there is no legal title, or contract relating to the tenure in question. This can leave those occupying, inhabiting or otherwise using the land, property or resources in question open to dispossession, displacement or evictions. Informal tenure can be individual or collective tenure, or customary tenure.

2.5. Do implementing agencies have the funding required to implement land, property and natural resource policies and laws in a timely, effective and gender-sensitive manner?

- Yes, adequate funding has been allocated and received
-
- Partially, there are some funding gaps
-
- No, or minimal funding have been allocated or received

Status: open

Review status: Not reviewed

Guidance

This indicator and the associated questions are derived from LANDex indicator 3B questions 2 and 3. Please note that options 0 (no support) and 1 (minimal support) in LANDex have been merged into one option. See link to data under "Data Sources".

Questions on changes to funding and capacity levels have been added.

It would be relevant to assess to what extent decentralised land administration functions are funded and functional.

The VGGT paragraph 6.1 states that "[...] States should ensure that implementing agencies and judicial authorities have the human, physical, financial and other forms of capacity to implement policies and laws in a timely, effective and gender-sensitive manner. Staff at all organizational levels should receive continuous training, and be recruited with due regard to ensuring gender and social equality".

Data sources

Data is available for certain countries under the questions related to LANDex indicator 3B. This data can be downloaded in excel format here (<https://www.landexglobal.org/en/datasets/download-data/>) by selecting the relevant indicator from the dropdown list.

Public budgets and institutional programming for land regularisation.

There may also be information in:

Universal Human Rights Index (<https://uhri.ohchr.org/en/search-human-rights-recommendations>)

ILO Normlex (<https://www.ilo.org/dyn/normlex/en/f?p=1000:20010::NO::>) (comments and recommendations on ILO Convention No. 169 and No. 111)

National human rights tracking databases

2.6. Over the last 3 years, has funding

- Increased
-
- Remained more or less the same
-
- Decreased

Status: open

Review status: Not reviewed

2.7. Adequate institutional support:

The government has made necessary institutional arrangements and appointed qualified personnel to carry out measures including identification, mapping and registration

- Yes, adequate support in the form of institutional arrangements and qualified personnel has been provided.
-
- Partial support provided. Significant institutional arrangements and personnel have been dedicated to the issue, but not enough.
-
- No or minimal levels of support provided. Institutional arrangements and personnel are insufficient to have a meaningful impact

Status: open

Review status: Not reviewed

2.8. Over the last 3 years, has the capacity in terms of qualified personnel to implement diverse tenure and production systems

- Increased
-
- Remained more or less the same
-
- Decreased

Status: open

Review status: Not reviewed

2.9. Does the land information registry include information about (tick all that apply):

- Customary rights

- Collective rights

- Individual rights

- All types of land and property

Status: open

Review status: Not reviewed

Guidance

Questions about searchability, accessibility and affordability are from LANDex indicator 8B, block 1 and 2 questions, which take inspiration from LGAF 6.2 indicator “Completeness of the land registry”. See link to data under “Data Sources”.

Section 17 of the VGGT provides specific guidance on how States should record tenure rights. For example, VGGT 17.4 specifies that “implementing agencies should link information on the rights, the holders of those rights, and the spatial units related to those rights. Records should be indexed by spatial units as well as by holders to allow competing or overlapping rights to be identified. As part of broader public information sharing, records of tenure rights should be available to State agencies and local governments to improve their services. Information should be shared in accordance with national standards, and include disaggregated data on tenure rights”.

In VGGT 17.5 it is specified that “States should ensure that information on tenure rights is easily available to all, subject to privacy restrictions. Such restrictions should not unnecessarily prevent public scrutiny to identify corrupt and illegal transactions. States and non-state actors should further endeavour to prevent corruption in the recording of tenure rights by widely publicizing processes, requirements, fees and any exemptions, and deadlines for responses to service requests”.

2.10. Can the public access information about land ownership and control?

- Yes

- No

Status: open

Review status: Not reviewed

2.11. Can land registry information be disaggregated by gender?

- Yes

No

Status: open

Review status: Not reviewed

2.12. Is the land registry digital (on computers and servers)

Yes

No

Status: open

Review status: Not reviewed

2.13. The records in the registry can be searched by (tick all that apply):

Right holder name

Parcel

None of the above

Status: open

Review status: Not reviewed

2.14. Land information records are easily accessed

Copies or extracts of documents recording rights in property can be obtained by anyone who pays the necessary formal fee, if any.

Copies or extracts of documents recording rights in property can only be obtained by intermediaries and those who can demonstrate an interest in the property upon payment of the necessary formal fee, if any.

Copies or extracts of documents recording rights in property can only be obtained by intermediaries upon payment of the necessary formal fee, if any.

- Records on land rights are not publicly accessible or can only be obtained by paying an informal fee.

Status: open

Review status: Not reviewed

2.15. Access to records is affordable

- Records in the registry are accessible by a citizen, at no cost
-
- Records in the registry are accessible, but with a minimal cost that is accessible to most.
-
- Records in the registry are accessible, but only at very high cost or through an informal fee.
-
- Records in the registry are accessible, but with a cost that is prohibitive for most.

Status: open

Review status: Not reviewed

2.16. There is a timely response to requests for accessing registry records

- Copies or extracts of documents recording rights in property can generally be obtained within 1 day of request.
-
- Copies or extracts of documents recording rights in property can generally be obtained within 1 week of request.
-
- It generally takes more than 1 week after request to produce a copy or extract of documents recording rights in property.
-
- It is not unusual that an extract or copy of a record cannot be produced in response to a request as the original record cannot be located.

Status: open

Review status: Not reviewed

2.17. Please provide additional information as relevant

Additional information

Status: open

3. DISPOSSESSION AND LAND GRABBING

While this cluster in the national questionnaire focuses on safeguards and protection against dispossession and land grabbing, the indicators and questions in the local questionnaire focus on incidences of dispossession, eviction, displacement or relocation from land, resources or property without adequate consultation.

Protection against dispossession, land grabbing

3.1. Does national law contain any of the following obligations in respect of dispossession, displacement or relocation of rights-holders from land, resources or property (tick all that apply):

- Clear Legal Definition of Public Purpose

- Requirement to provide information about the reasons for expropriation

- That the state should minimize or avoid involuntary resettlement

Status: open

Review status: Not reviewed

Guidance

The question aligns with three Land Portal indicators and data is available for some countries on the Land Portal website (see link under "Data Sources").

This question draws directly on human rights law and the guidance that has been given by international human rights bodies and principles of rule of law. It draws on the full list of rights listed in the 'human rights monitored' column and also on recommendations from ILO supervisory bodies as well as the Universal Periodic Review, Committee on Economic Social and Cultural Rights and others relating to essential legal safeguards prior to dispossession including dispossession 'in the public interest', And prevention of forced evictions (see CESCR General Comment No. 7 (https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=11) in this regard).

The question draws on the following VGGT provisions:

VGGT provision 16.1 which establishes that "States should clearly define the concept of public purpose in law, in order to allow for judicial review".

VGGT 16.8 which establishes that "States should, prior to eviction or shift in land use which could result in depriving individuals and communities from access to their productive resources, explore feasible alternatives in consultation with the affected parties, consistent with the principles of these Guidelines, with a view to avoiding, or at least minimizing, the need to resort to evictions."

VGGT 16.2 which calls for states to "ensure that the planning and process for expropriation are transparent and participatory. Anyone likely to be affected should be identified, and properly informed and consulted at all stages."

According to international standards on indigenous peoples and peasants, and the comments of ILO and UN supervisory bodies, safeguards in relation to dispossession should apply to land used and occupied whether or not the community in question has legal documentation or a land title.

According to the UN Guiding Principles on Business and Human Rights (UNGPs), States must protect against human rights abuse

within their territory and/or jurisdiction by third parties, including business enterprises. This requires taking appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication (Principle 1).

This indicator should be used in conjunction with additional indicators on consultation and participation which are also essential when consideration is being given to any form of dispossession.

Data sources

National legal databases or repositories (National constitution, national laws on land, agriculture, infrastructure, mining, public and private domain, territorial administration, conservation, other relevant laws). See also FAOLEX database (<https://www.fao.org/faolex/en/>), official gazettes.

Data for 50 countries (2018) can be found on the Land Portal here:

Clear Legal Definition of Public Purpose (<https://landportal.org/book/indicator/nkt-vggt16-1a>)

Requirement to provide information about the reasons for expropriation (<https://landportal.org/book/indicator/nkt-vggt16-2f>)

That the state should minimize or avoid involuntary resettlement (<https://landportal.org/book/indicator/nkt-vggt16-8b>)

3.2. Does national law require that impact assessments (including environmental, social, human rights or other types of impact assessment) are conducted prior to, during and after activities of the state or businesses that affect land, property or natural resources of rights-holders?

Yes, for state and third-party activities

Only for state activities

Only for third party activities

No, not at all

Status: open

Review status: Not reviewed

Guidance

The question aligns with the two Land Portal indicators on environmental and social impact assessment requirements and data is available for some countries on the Land Portal website (see under “Data Sources”).

Failure to conduct impact assessments (including environmental, social, human rights or other types of impact assessment) of activities of the state or businesses that affect land, property or natural resources of rights holders can negatively impact on a large range of human rights.

Numerous international human rights and ILO supervisory bodies have stressed the importance of prior social and environmental impact assessments in relation to land.

The UN Declaration on the Rights of Peasants states that any exploitation of the natural resources traditionally held or used by peasants or persons working in rural areas should be subject to a duly conducted environmental and social impact assessment.

Likewise, international instruments on the rights of indigenous peoples stipulate that states should conduct social, spiritual, cultural and environmental impact studies prior to any planned development activities that may affect them.

Impact assessments in particular should also be considered in the light of their provisions on consultation and participation and therefore this question should be used in conjunction with the relevant questions in that cluster.

Data sources

National legal databases or repositories (National constitution, national laws on land, agriculture, infrastructure, mining, public and private domain, territorial administration, conservation, other relevant laws). See also FAOLEX database (<https://www.fao.org/>)

[faolex/en/](#), official gazettes.

Data for 50 countries (2018) can be found on the Land Portal here:

Environmental impact assessments(<https://landportal.org/book/indicator/nkt-vggt16-2b>)

Social impact assessments(<https://landportal.org/book/indicator/nkt-vggt16-2a>)

Are the requirements:

- Comprehensive: the law requires environmental AND social impact assessments be conducted and in a wide range of circumstances.
-
- Not comprehensive: the law only requires either environmental OR social impact assessments be conducted or only in very limited circumstances or the threshold for conducting these assessments is unduly high)

Status: open

Review status: Not reviewed

3.3. Is information about official procedures to be followed prior to expropriation of land, property and resources easily available to the public?

- Yes, it is available
-
- Partially, some information is made available, but the information is not complete
-
- No, it is not available

Status: open

Review status: Not reviewed

Guidance

This question aims to assess the level of availability of information about expropriation procedures to all. The right to information underlies this question and this is a precondition for adequate and meaningful participation.

Data Sources

National legislation, administrative regulations and policies on displacement, dispossession for the public good or otherwise.

Is it made accessible:

	Yes	No
In languages spoken by minorities in the country?	<input type="radio"/>	<input type="radio"/>
In formats other than writing (such as audio or visual)?	<input type="radio"/>	<input type="radio"/>

Status: open

Review status: Not reviewed

How is it made accessible? (click the answer that applies)

- On a website available to anyone searching for it
-
- On request - documents/information can generally be obtained within 1 week of request
-
- On request - it generally takes at least a few weeks after request/or it is not unusual that documents/information cannot be produced in response to a request

Status: open

Review status: Not reviewed

Does it cost anything to get this information? (click the answer that applies)

- No, it is free of cost
-
- Yes, there is a small fee, but it is affordable even to people with low-income
-
- Yes, there is a fee, and it would likely be too costly for those with low-income

Status: open

Review status: Not reviewed

3.4. Is there an independent institution charged with reviewing or certifying that environmental, social, human rights or other types of impact assessments undertaken by state and non-state actors are sound, and have been done in a participatory and inclusive manner?

- Yes. The institution in question reviews all impact assessments and provides recommendations in this regard
-
- Partially. Yes there is an institution recognised to play this role but it does not review all impact assessments.
-
- No.

Status: open

Review status: Not reviewed

Guidance

The first question aligns with LANDex 9A question 6 but has been modified to not only include assessments by corporate actors (see link to data under “Data Sources”).

This question aims to ascertain whether there is independent scrutiny of environmental and social impact assessments to ensure that they are conducted in accordance with the law, respect human rights, provide an objective assessment, and are not tied to vested interests.

Numerous international human rights and ILO supervisory bodies have stressed the importance of social and environmental impact assessments in relation to land.

Failure to conduct these can negatively impact on a large range of human rights.

The UN Declaration on the Rights of Peasants states that any exploitation of the natural resources traditionally held or used by peasants or persons working in rural areas should be subject to a duly conducted environmental and social impact assessment. Likewise, international instruments on the rights of indigenous peoples stipulate that States should conduct social, spiritual, cultural and environmental impact studies prior to any planned development activities that may affect them.

As independent state institutions, national human rights institutions (NHRIs) are statutory bodies charged with the promotion and protection of human rights in their country. Some NHRIs are mandated to receive and review environmental and social impact assessments. This enables an independent review of these assessments to be undertaken from a human rights perspective.

Data source

Information might be available in LANDex under 9A question 6. This data can be downloaded in excel format here (<https://www.landexglobal.org/en/datasets/download-data/>) by selecting the relevant indicator from the dropdown list.

Laws, regulations, policies and procedures on environmental and social impact assessment in different sectors.

There may also be information in:()

Universal Human Rights Index (<https://uhri.ohchr.org/en/search-human-rights-recommendations>)

ILO Normlex (<https://www.ilo.org/dyn/normlex/en/f?p=1000:20010::NO::>) (comments and recommendations on ILO Convention No. 169)

National human rights tracking databases

3.5. Is the National Human Rights Institution mandated to receive impact assessments for review and / or recommendations?

- Yes
-

Partially, only in certain types of cases

No

Status: open

Review status: Not reviewed

3.6. Have there, in the last 3 years, been incidences of dispossession, eviction, displacement or relocation of legitimate tenure rights holders without adequate consultations with rights-holders?

No, no cases known

Yes, there are few isolated cases

Yes, this is a widespread phenomenon

No information available

Status: open

Review status: Not reviewed

Guidance

This question aims to assess whether dispossession, eviction, displacement or relocation of legitimate tenure rights holders without adequate consultation is something which is well-known to happen at national level. Representative national level data is not expected to be available on the issue.

Data sources

NHRI complaints mechanisms

Media, NGO or other reports

Universal Human Rights Index(<https://uhri.ohchr.org/en/search-human-rights-recommendations>) (use keyword search for dispossession, displacement, relocation, eviction)

ILO Normlex(<https://www.ilo.org/dyn/normlex/en/f?p=1000:20010:::NO:::>) (comments and recommendations on ILO Convention No. 169)(use keyword search for dispossession, displacement, relocation, eviction)

4. MULTIPLE FUNCTIONS OF LAND, FISHERIES, FORESTS

This cluster concerns the governance of above-surface resources (flora and fauna). It examines legal provisions protecting the rights of individuals and communities to these natural resources, included in protected areas. Indicators in other clusters also contribute to this theme, including all cluster 1 indicators, cluster 3 indicators on consultation guidance, the right to participate in and challenge environmental decision-making, public input to land use planning, and the cluster 10 indicator on restrictions to customary tenure rights.

Questions

4.1. Does the law recognize that rights to community land include ownership of all above-surface natural resources on their land?

- Yes, the law fully recognizes that rights to community land include ownership of all above-surface natural resources on that land.
-
- Partially, the law recognizes rights to some above-surface natural resources on community land.
-
- No, the law does not recognize that rights to community land include ownership of all above-surface natural resources on that land

Status: open

Review status: Not reviewed

Guidance

The question partially aligns with LANDex (questions 8-9 under LANDex indicator 3A) but have been expanded here to cover all above-surface natural resources including but not limited to trees and water (see link to data under “Data Sources”).

The question concerns natural resources above-surface such as flora and fauna, and not sub-surface resources such as minerals and metals, which are usually addressed in a different way in legislation.

This question aims to ascertain whether communities or individuals with customary or legally-recognised land also have ownership rights to the natural resources pertaining to that land, including in protected areas which have been established on pre-existing community or customary land.

The right to natural resources pertaining to land is explicitly recognised in the UN Declaration on the Rights of Indigenous Peoples, the UN Declaration on the Rights of Peasants and ILO Convention No. 169. It can also be protected by numerous other human rights instruments through different rights.

Data sources

Laws, regulations, policies on land and natural resource management. See also FAOLEX database(<https://www.fao.org/faolex/en/>), official gazettes.

Data is available for certain countries under questions 8-9 related to LANDex indicator 3A. This data can be downloaded in excel format here(<https://www.landexglobal.org/en/datasets/download-data/>) by selecting the relevant indicator from the dropdown list.

There may also be information in:

Universal Human Rights Index(<https://uhri.ohchr.org/en/search-human-rights-recommendations>) (filter for “land and natural resources” category)

ILO Normlex(<https://www.ilo.org/dyn/normlex/en/f?p=1000:20010:::NO:::>) (filter for ILO Convention No. 169)

National human rights tracking databases

4.2. Does the law allow for communities to participate in the use, management and conservation of natural resources in protected areas?

- Yes, the law fully recognizes the right of communities to participate in the use, management and conservation of natural resources in protected areas
-

- Partially, the law recognizes the right of communities to participate in the use, management and conservation of natural resources in protected areas
-
- No, the law does not recognize the right of communities to participate in the use, management and conservation of natural resources in protected areas

Status: open

Review status: Not reviewed

Guidance

This question aims to assess the legal recognition of the right to participate in the use, management and conservation of natural resources in protected areas. It is distinct from the previous question about rights to use resources on community land as it only refers to protected areas.

In many cases, protected areas may have been established on community land, meaning that rights of communities to use and manage resources within these areas may be curtailed.

Taken together, international human rights standards and in particular those on the rights of indigenous peoples, and peasants, maintain that rights to natural resources are inextricably linked to land rights as well as the right to an adequate standard of living. The question draws on these standards.

Data sources

Laws, regulations, policies on land and natural resource management, participation and consultation. See also FAOLEX database(<https://www.fao.org/faolex/en/>), official gazettes.

4.3. Does the law recognize complementary forms of rights in cases where rights to property, land and resources are not held exclusively by a single (group of) rightsholders?

- Yes
-
- Partially
-
- No

Status: open

Review status: Not reviewed

Guidance'

This question aims to assess the situation where multiple legitimate rights holders use the same resource in different or complementary ways. For example, pastoralist or transhumant populations may need access rights to certain land in different seasons. Hunter-gatherer communities may use land and resources within protected areas or areas used by other communities. The indicator concerns whether the law recognises diverse tenure and production systems, including tenants, sharecroppers, and pastoralists. This is an issue affecting a large range of human rights, and it is often the case that the law protects certain communities' or types of tenure rights holders' better than others. International human rights bodies have raised this issue in respect of the rights of indigenous peoples and other communities, and the issue is specifically addressed under ILO Convention No. 169 as well as reflecting a broad range of human rights enshrined in other instruments.

Data sources

National legal databases or repositories, official gazettes (national laws on land, agriculture, infrastructure, mining, public and private domain, territorial administration, conservation, other relevant laws)

There may also be information in:

Universal Human Rights Index(<https://uhri.ohchr.org/en/search-human-rights-recommendations>)

ILO Normlex(<https://www.ilo.org/dyn/normlex/en/f?p=1000:20010:::NO:::>)

National human rights tracking databases

FAOLEX databas(<https://www.fao.org/faolex/en/>)

5. INFORMATION, CONSULTATION, PARTICIPATION

This cluster focuses on the key cross-cutting rights, including the right of access to information and the right to participation, underpinning responsible governance of tenure. It focuses on the concepts of meaningful consultation and Free, Prior and Informed Consent as concerns decisions, policies, programmes, projects and other measures affecting legitimate tenure rights-holders. The monitoring of the indicators under this cluster is relevant to the other clusters and especially sub-cluster 1B on protection against dispossession.

Questions

5.1. Do national legal frameworks protect the public right to access environmental information?

- Yes. There is comprehensive legislation ensuring the right of access to information with any exceptions in law to the right of access to information being subject to strict “harm” and “public interests” tests
-
- Partially: There are some exceptions to the right of access to information or the exceptions are not made public or the exceptions are not subject to strict “harm” and “public interests” tests.
-
- No. There are no national laws protecting the right of access to information or it is severely restricted.

Status: open

Review status: Not reviewed

Guidance

In this case, the rights to participation and to information are linked to environment-related rights such as the right to a healthy environment and the right to development which are also internationally recognised human rights covered by a range of international human rights instruments.

In the European region, the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters(<https://live.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>) (The Aarhus Convention), and in the Americas, the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean(<https://www.cepal.org/en/escazuagreement>) (The Escazu Agreement), both provide extensive guidance on access to environmental decision-making from a human rights perspective.

In the Aarhus Convention, ‘Environmental information’ means information in written, visual, aural, electronic or any other material form on for example activities or measures, including administrative measures, environmental agreements, policies, legislation, plans and programmes, affecting or likely to affect the elements of the environment and cost-benefit and other economic analyses and assumptions used in environmental decision-making.

In the Escazu Agreement, ‘Environmental information’ means any information that is written, visual, audio, and electronic, or recorded in any other format, regarding the environment and its elements and natural resources, including information related to environmental risks, and any possible adverse impacts affecting or likely to affect the environment and health, as well as to environmental protection and management.

Data sources

National legal databases or repositories (national laws on land, agriculture, infrastructure, mining, public and private domain, territorial administration, conservation, other relevant laws). See also FAOLEX database(<https://www.fao.org/faolex/en/>), official gazettes.

5.2. Do national laws, policies and procedures call for public participation in decision-making processes when laws and policies relating to land and natural resources are being devised or revised?

Yes

Partially

No

Status: open

Review status: Not reviewed

Guidance

The first two questions align with LANDex indicator 7A (block 1 questions 1 and 2). See link to data under “Data Sources”. Please note that the two middle options in the LANDex questionnaire have been merged into 1 partial option.

The questions have been adapted to reflect the protection of the right to participation, specifically in matters relating to laws and policies on land, property and resources.

The third and fourth questions aim to ensure that the respondent is able to capture any specificities relating to legal protections for public participation of specific groups who are likely to be affected by new or revised laws and policies.

The national policies referred to in the question could be overarching legislation protecting the right to participation, or they could be specific to participation in policy and legislative processes relating to land, property and resources.

The response options include a ‘partial’ option. This can be selected, for example, if laws policies and procedures to ensure public participation lack specificity or do not apply to significant laws or policies affecting land, property and resources. ‘Partial’ may also be selected if the legal safeguards on public participation are not sufficient to ensure participation of all concerned groups.

Note that this question is separate from another question relating to consultation and participation in decision-making about projects that may affect land, property and resources due to the need to capture both aspects of participation and consultation, and to the different nature of the two situations.

This question is also intended to capture a broader legal or policy environment than more specific questions on participation in environmental decision-making.

Data sources

Data is available for certain countries under the questions related to LANDex indicator 7A. This data can be downloaded in excel format here(<https://www.landexglobal.org/en/datasets/download-data/>) by selecting the relevant indicator from the dropdown list.

There may also be information in national legal databases or repositories, official gazettes, laws on representation of traditional authorities, consultation, public participation.

Also see:

FAOLEX database(<https://www.fao.org/faolex/en/>)

Universal Human Rights Index(<https://uhri.ohchr.org/en/search-human-rights-recommendations>)

5.3. Do national laws, policies and procedures call for the equal representation of women and men in decision-making processes when laws and policies relating to land and natural resources are being devised or revised?

Yes

No

Status: open

Review status: Not reviewed

5.4. Please provide additional information about the provisions for the affected rights holders in general and provisions for specific groups or different types of rights-holders

Additional information

Status: open

Review status: Not reviewed

5.5. Does the law recognise the right of affected rights-holders to participate in environmental decision making?

Yes

Partially

No

Status: open

Review status: Not reviewed

Guidance

This question aims to assess the legal recognition of the right to participate in and gain access to environmental decision making as environmental decision-making is often a separate process from land-related decision-making, although the two are linked.

The right to participate in environmental decision making is based on the right to participation and the right of access to information. These rights are manifested in different ways in a large number of international human rights and ILO instruments.

In this case, the rights to participation and to information are linked to decisions that may have a significant effect on the environment and thus linked to the right to a healthy environment which is also an internationally recognised human right.

In the European region, the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (<https://live.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>) (The Aarhus Convention), and in the

Americas, the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (<https://www.cepal.org/en/escazuagreement>) (The Escazu Agreement), both provide extensive guidance on access to environmental decision-making from a human rights perspective.

Data sources

National legal databases or repositories, official gazettes (national laws on land, agriculture, infrastructure, mining, public and private domain, territorial administration, conservation, other relevant laws)

There may also be information in:

FAOLEX database (<https://www.fao.org/faolex/en/>)

Universal Human Rights Index (<https://uhri.ohchr.org/en/search-human-rights-recommendations>)

ILO Normlex (<https://www.ilo.org/dyn/normlex/en/f?p=1000:20010:::NO:::>)

National human rights tracking databases

5.6. Does the law require that information about actual or planned changes in land use or land classification is made available to the public?

- Yes. There is comprehensive legislation ensuring the right of access to information about actual or planned changes in land use or land classification; and any exceptions are subject to strict “harm” and “public interests” tests.
-
- Partial. There are some exceptions to the right of access to information about actual or planned changes in land use or land classification; exceptions are not made public; or the exceptions are not subject to strict “harm” and “public interests” tests.
-
- No. There are no national laws protecting the right of access to information about actual or planned changes in land use or land classification or it is severely restricted.

Status: open

Review status: Not reviewed

Guidance

This question aims to assess whether the legal framework adequately protects the right of the public to access information about planned and ongoing changes to land use and land classification (including zoning), and that if there are restrictions in place that they can be justified in accordance with strict legal principles.

The right to access information about proposed changes to land classification is closely linked to the right to participation. The right to prior information, communicated in a timely manner, is an essential corollary of that right.

Data sources

National legal databases or repositories or official gazettes or Constitutions, freedom of information legislation.

See also FAOLEX database (<https://www.fao.org/faolex/en/>)

5.7. Is information about planned changes in land use or land classification publicly accessible?

- Yes, it is available
-
- Partially, some information is made available, but the information is not complete
-
- No, it is not available

Status: open

Review status: Not reviewed

Is it made accessible:

	Yes	No
In languages spoken by minorities in the country?	<input type="radio"/>	<input type="radio"/>
In formats other than writing (such as audio or visual)?	<input type="radio"/>	<input type="radio"/>

Status: open

Review status: Not reviewed

How is it made accessible? (click the answer that applies)

- On a website available to anyone searching for it
-
- On request - documents/information can generally be obtained within 1 week of request
-
- On request - it generally takes at least a few weeks after request/or it is not unusual that documents/information cannot be produced in response to a request

Status: open

Review status: Not reviewed

Does it cost anything to get this information? (click the answer that applies)

- No, it is free of cost
-
- Yes, there is a small fee, but it is affordable even to people with low-income
-
- Yes, there is a fee, and it would likely be too costly for those with low-income

Status: open

Review status: Not reviewed

5.8. Please provide additional information as relevant and include references to relevant legal frameworks

Additional information

Status: open

Review status: Not reviewed

5.9. Does the government publish information about large-scale land deals and land investments?

- Yes, Large-scale land deals and land investments are published regularly with all relevant information included.
-
- Partial, large-scale land deals and land investments are published, though information is sometimes incomplete, infrequent or missing details.
-
- No, large-scale land deals and land investments are not published in any form.

Status: open

Review status: Not reviewed

Guidance

The questions align with LANDex indicator 8B (block 3, questions 1 and 2). Note that LANDex response options 1 and 2 (partial) have been merged into one partial option. See link to data under “Data Sources”.

Transparency and accountability have been identified as among the key attributes of good governance by the Human Rights Council. Publishing information about large scale investments, including contractual documents, and related revenue and tax are essential elements of these principles.

The International Covenant on Economic, Social and Cultural Rights (ICESCR) states that: ‘Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights

recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures' (article 2.1). This means that states have a duty to ensure that they have the maximum available resources to progressively realise human rights, meaning they should ensure their domestic resource (among other things, tax) mobilisation is fit for purpose to raise the adequate funds.

Data sources

Data is available for certain countries under the question under LANDex indicator 8B (block 3, questions 1 and 2). This data can be downloaded in excel format here(<https://www.landexglobal.org/en/datasets/download-data/>) by selecting the relevant indicator from the dropdown list.

Information on public land deals is also available on the Land Matrix(<https://landmatrix.org/list/deals>) website but these are not all published by the relevant governments. However, this database could be used for comparative purposes.

5.10. Does the government publish information about tax or revenue it might gain from these investments?

- Yes, tax or revenue gained from these investments are published regularly with all relevant information included.
-
- Partial, tax or revenue gained from these investments are published, though information is sometimes incomplete, infrequent or missing details
-
- No, tax or revenue gained from these investments are not published in any form.

Status: open

Review status: Not reviewed

5.11. Does the law provide for communities' meaningful participation before, during and after projects or other measures that affect their rights to land, property and natural resources?

	Yes	No
Before the projects or other measures	<input type="radio"/>	<input type="radio"/>
During the projects or other measures	<input type="radio"/>	<input type="radio"/>
After the projects or other measures	<input type="radio"/>	<input type="radio"/>

Status: open

Review status: Not reviewed

Guidance

The indicator aligns with LANDex 9A question 5. Note that LANDex response options 1 and 2 (partial) have been merged into one partial option. See link to data under "Data Sources".

Data sources

Data is available for certain countries under the questions related to LANDex indicator 9A This data can be downloaded in excel format here(<https://www.landexglobal.org/en/datasets/download-data/>) by selecting the relevant indicator from the dropdown list. There may also be information in national legal databases or repositories, official gazettes (laws on representation of traditional authorities, consultation, public participation).

Also see:

FAOLEX database(<https://www.fao.org/faolex/en/>)

Universal Human Rights Index(<https://uhri.ohchr.org/en/search-human-rights-recommendations>) (using keyword searches)

ILO Normlex(<https://www.ilo.org/dyn/normlex/en/f?p=1000:20010:::NO:::>) (comments and recommendations on ILO Convention No. 169)

National human rights tracking databases

Concepts

Meaningful consultation and participation

The concept of meaningful consultation and participation are key human rights concepts and the reference to 'meaningful' consultation aims to ensure that consultation is not simply a tick-box exercise.

Consultation is an ongoing process not a singular moment in time. Therefore, the question also aims to assess whether it is foreseen by law prior, during and post -decision-making, to ensure ongoing agreement between concerned parties about the issue in question.

Consultation is fundamental to ensuring the protection of legitimate land, property and resource rights.

International instruments on indigenous peoples' rights and the rights of peasants elaborate specifically on consultation in relation to land and resources issues. Other international human rights instruments and international human rights bodies have all addressed this issue in some way, demonstrating how fundamental it is for good land governance.

International human rights and labour standards give us some guidance as to what an 'adequate' consultation could look like.

Some of the key elements include but are not limited to:

Prior consultation, giving sufficient time for information to be provided and understood

Full disclosure of information about both potential positive and negative impacts of the project, including possible mitigation measures and potential benefits

Provision of information in a language and format that can be understood by the concerned rights-holders

Good faith

Consultation in a form appropriate to the circumstances or context

Consultation with legitimate representatives of the concerned rights-holders

Providing a genuine opportunity to influence any decisions made

An ongoing process, not a single moment in time

Consultation free of pressure or coercion

Legitimate representatives

In this context, refers to the persons or institutions that a particular rights-holder group has chosen or trusts (i.e., not chosen by external actors) to represent their interest in dialogue or consultations with State or third parties regarding projects or other measures affecting their land, property or natural resources.

Legitimate representatives chosen by rights-holders to represent them could be for example traditional authorities or other forms of representatives such as associations, elders, NGOs, or others.

5.12. Do official procedures and mechanisms exist for undertaking consultations with legitimate tenure rights holders likely to be affected by decisions regarding land, property and natural resources exist?

Yes

Partially, guidance is available for some circumstances where consultation is needed, but not all

No

Status: open

Review status: Not reviewed

Guidance

These questions aim to ascertain whether official procedures and mechanisms to ensure meaningful and participatory consultation exist and are in line with international human rights standards.

Procedures may be enshrined in laws, policies or administrative orders, or official guidance may have been approved or published. There may be different procedures for different circumstances.

Official mechanisms can take many forms but could include formally-instituted dialogue forums, or specific advisory or consultation bodies whose members include representatives of rights-holders. If these mechanisms are officially established, they may have been established by decree or an administrative advisory.

Data sources

Official guidance related to laws on land and property, public and private domain, conservation, infrastructure, mining, private sector activities, public participation, consultation.

5.13. Are the process, roles and responsibilities, and financing clear from the procedures?

Yes, the process, roles and responsibilities, financing is clear

Partially, the procedures are relatively clear but with some gaps

No, there are significant gaps

Status: open

Review status: Not reviewed

5.14 In the last 3 years, have consultations generally taken place with affected tenure rights-holders prior, during and post projects or other measures affecting their property, land and resources?

Yes, consultations take place as a general rule and are largely consistent with international human rights principles and guidance

Partially, consultations take place but not consistently or adhering to international human rights principles and guidance

- No, consultations generally do not take place and if they do, they do not follow international human rights principles and guidance

Status: open

Review status: Not reviewed

Guidance

This question seeks to get an insight into whether consultations with tenure rights-holders take place in practice prior, during and after projects or other measures affecting their rights to land, property and natural resources.

It will in many cases be challenging to obtain good and accurate data on this question. Hence, the respondent will have to make an assessment based on information pieced together from the National Human Rights Institution (based on complaints handling), comments from international human rights bodies, legal aid institutions/departments, civil society organisations working on land rights, media reports and similar.

The concept of meaningful consultation and participation are key human rights concepts and the reference to 'meaningful' consultation aims to ensure that consultation is not simply a tick-box exercise.

Additional resources

A comprehensive set of [draft guidelines for States on the effective implementation of the right to participate in public affairs](https://www.ohchr.org/en/documents/tools-and-resources/guidelines-effective-implementation-right-participate-public-affairs) (<https://www.ohchr.org/en/documents/tools-and-resources/guidelines-effective-implementation-right-participate-public-affairs>) - principles and recommendations relating to public participation - has been developed by OHCHR and for this purpose the most relevant section is Section B (Participation in non-electoral contexts) pp 9-15 or paragraphs 49-94. This guidance includes details about the fundamental concept of **meaningful** participation, which is key to realizing the right to participation.

5.15. If there has been revisions of existing legislation and policies, or new legislation and policies on property, land and resources in the last 5 years, was there opportunity to provide public input?

Yes

To some extent

No

Status: open

Review status: Not reviewed

Guidance

This question assesses whether mechanisms for public input from for example civil society organisations, research institutions, national human rights institutions into laws and policies on land, property and resources exist.

According to international standards, ensuring the participation and consultation of rights-holders or the public in the development of laws and policies is also a critical element of the right to participation, among other rights. In order to ensure that this happens systematically, institutional mechanisms for public input are essential.

Such mechanisms may include consultation forums and organised public input processes during legislative revisions, the setting up of statutory consultation or advisory bodies for matters relating to land or natural resources in general, with members from civil society, indigenous peoples and other stakeholders.

Data sources

Websites of Ministries of land, agriculture, infrastructure, mining, territorial administration, forests, environment, other relevant ministries

There may also be information in:

Universal Human Rights Index(<https://uhri.ohchr.org/en/search-human-rights-recommendations>)

ILO Normlex(<https://www.ilo.org/dyn/normlex/en/f?p=1000:20010:::NO:::>) (comments and recommendations on ILO Convention No. 169)

National human rights tracking databases

5.16. Are rural land use plans and changes in these plans – including rezoning – based on public input?

- Yes. Public input is sought in preparing and amending rural land use plans (including rezoning) and relevant decisions are arrived at in a transparent and public process.
-
- To some extent, input is sought but the comments are not reflected in the final land use plans
-
- No. Public input is not sought in preparing and amending land use plans.

Status: open

Review status: Not reviewed

Guidance

The indicator and related questions align with LANDex 7B. Please note that LANDex response options 1 and 2 (partial) have been merged into one partial option “to some extent”. See link to data under “Data Sources”.

Land use plans and zoning can apply to public land of all descriptions, including protected areas, forests, and other types of public land.

Data sources

Data is available for certain countries under LANDex indicator 7B. This data can be downloaded in excel format here(<https://www.landexglobal.org/en/datasets/download-data/>) by selecting the relevant indicator from the dropdown list.

6. ACCESS TO REMEDY

This cluster focuses on legal remedy including access to formal and informal judicial mechanisms and provisions of legal support. It assesses legal frameworks for compensation, resettlement and restitution in cases of dispossession and displacement for all types of tenure.

Questions

6.1. Do national legal frameworks provide for compensation, resettlement and

restitution in the case of dispossession and displacement?

- Yes, they fully provide for compensation, resettlement and restitution in cases of dispossession for all types of tenure and for land, property and resources.
-
- Partially. The legal framework provides for some types of compensation, resettlement and restitution in cases of dispossession and in relation to most types of tenure in this regard with exceptions
-
- No. The legal framework does not provide for compensation, resettlement or restitution.

Status: open

Review status: Not reviewed

Guidance

This question assesses whether the full spectrum of compensation, resettlement and restitution are considered and provided for in national law.

Both the VGGT and international human rights and labour standards address this issue.

Broadly, the right to remedy covers numerous possibilities and compensation, resettlement and restitution would all be considered as a part of this right. As with all human rights, this is a right that applies to everyone, regardless of characteristics, and should be available for all types of human rights violations.

In respect of indigenous peoples, the UNDRIP provides for just and fair redress and equitable compensation. ILO Convention No. 169 provides for restitution ("right to return") compensation with lands of quality and legal status at least equal to that of the lands previously occupied as well as for peoples concerned to express a preference for compensation in money or in kind.

In respect of other communities, the UNDROP also provides for just, fair and lawful compensation when return is not possible.

Data sources

National legal databases or repositories, official gazettes (national laws on public purpose, displacement, resettlement, land, agriculture, infrastructure, mining, public and private domain, territorial administration, conservation, other relevant laws)

There may also be information in:

FAOLEX database(<https://www.fao.org/faolex/en/>)

Universal Human Rights Index(<https://uhri.ohchr.org/en/search-human-rights-recommendations>)

ILO Normlex(<https://www.ilo.org/dyn/normlex/en/f?p=1000:20010:::NO::>) (comments and recommendations on ILO Convention No. 169)

National human rights tracking databases

6.2. Does the compensation cover (tick all that apply)

- Loss of livelihoods
-
- Loss of access to markets
-
- Loss of resources
-
- Loss of cultural heritage
-
- Other (Specify in comments box)

Status: open

Review status: Not reviewed

6.3. Do national laws provide for a right to negotiate compensation levels?

- Yes, the law fully provides for a right to negotiate compensation levels
-
- Partial, the law partially provides for a right to negotiate compensation levels
-
- No, the laws do not provide for a right to negotiate compensation levels

Status: open

Review status: Not reviewed

Guidance

The indicator aligns with the Land Portal VGGT indicator based on Section 16.3 of the VGGT, which provides that "States should ensure a fair valuation and prompt compensation in accordance with national law." Furthermore, section 16.6 provides "All parties should endeavour to prevent corruption, particularly through use of objectively assessed values, transparent and decentralized processes and services, and a right to appeal". See link to Land Portal data under "Data Sources".

The "partial" response option may be relevant if for example, the laws permit some, but not all, affected tenure holders to negotiate compensation amounts.

Data sources

National legal databases or repositories, official gazettes (national laws on public purpose, displacement, resettlement, land, agriculture, infrastructure, mining, public and private domain, territorial administration, conservation, other relevant laws)

Data from the Landportal (2017) for 50 countries can be found here(<https://landportal.org/book/indicator/nkt-vggt16-3e>).

FAOLEX database(<https://www.fao.org/faolex/en/>)

6.4. Does the law recognise the right of legal persons to challenge public decisions in relation to environmental decision-making?

- Yes
-
- Partially
-
- No

Status: open

Review status: Not reviewed

Guidance

The right to formally challenge public decisions is an important element of access to justice and accountability, and a right to

remedy. Such challenges could be in the form of a judicial review, or in the form of an appeal against a decision, but can also take other forms depending on the legal system in a given country.

Data sources

National legal databases or repositories, official gazettes (national laws on land, agriculture, infrastructure, mining, public and private domain, territorial administration, conservation, other relevant laws)

National human rights tracking databases

There may also be information in:

FAOLEX database(<https://www.fao.org/faolex/en/>)

Universal Human Rights Index(<https://uhri.ohchr.org/en/search-human-rights-recommendations>)

ILO Normlex(<https://www.ilo.org/dyn/normlex/en/f?p=1000:20010:::NO:::>)

6.5. Do national laws make provisions for legal support in civil procedures?

- Yes, multiple legal instruments

- Yes, primary law

- A policy is in place

- Draft legislation is to be submitted for deliberations

- A policy is being developed

- Absence of provisions for legal support in the legal framework

Status: open

Review status: Not reviewed

Guidance

The indicator, question and response options align with the FAO Legislation Assessment Tool (no. 27). See link to data under "Data Sources".

From a human rights perspective, legal support/legal aid (including legal advice and representation) is essential for ensuring access to justice and the right to remedy, in particular for those who experience, or are at risk of experiencing, discrimination, but also in general for all rights-holders.

VGGT paragraph 6.6. specifies that "States and other parties should consider additional measures to support vulnerable or marginalized groups who could not otherwise access administrative and judicial services. These measures should include legal support, such as affordable legal aid, and may also include the provision of services of paralegals or parasurveyors, and mobile services for remote communities and mobile indigenous peoples".

Data sources

FAO LAT indicator database(https://www.fao.org/gender-landrights-database/legislation-assessment-tool/indicators/en/?sta_id=975) (select legal support indicator)

National legal databases or repositories, official gazettes (national laws on equality and non-discrimination, access to justice, legal aid, civil code, penal code, etc.)

6.6. Is information on how to access legal support for civil proceedings publicly available?

- Yes, it is publicly available
-
- Partially, some information is made available but the information is not complete or fully available
-
- No, it is not publicly available

Status: open

Review status: Not reviewed

Guidance

This question assesses the availability and clarity of information on how to access legal proceedings and provisions for access to legal support including the conditions for receipt of legal aid. Both are essential for vulnerable groups to access justice.

From a human rights perspective, legal support/legal aid (including legal advice and representation) is essential for ensuring access to justice and the right to remedy, in particular for those who experience, or are at risk of experiencing, discrimination, but also in general for all rights-holders.

VGGT paragraph 6.6. specifies that “States and other parties should consider additional measures to support vulnerable or marginalized groups who could not otherwise access administrative and judicial services. These measures should include legal support, such as affordable legal aid, and may also include the provision of services of paralegals or parasurveyors, and mobile services for remote communities and mobile indigenous peoples”.

Data sources

Website of Ministry or department of justice, citizens advice institutions, local authorities or administration offices, existence of outreach programme, etc.

Is it made accessible:

	Yes	No
In languages spoken by minorities in the country?	<input type="radio"/>	<input type="radio"/>
In formats other than writing (such as audio or visual)?	<input type="radio"/>	<input type="radio"/>

Status: open

Review status: Not reviewed

How is it made accessible? (click the answer that applies)

- On a website available to anyone searching for it

- On request - documents/information can generally be obtained within 1 week of request

- On request - it generally takes at least a few weeks after request/or it is not unusual that documents/information cannot be produced in response to a request

Status: open

Review status: Not reviewed

Does it cost anything to get this information? (click the answer that applies)

- No, it is free of cost

- Yes, there is a small fee, but it is affordable even to people with low-income

- Yes, there is a fee, and it would likely be too costly for those with low-income

Status: open

Review status: Not reviewed

6.7. Are there specific provisions for access to legal support for vulnerable individuals and groups?

- Yes

- No

Status: open

Review status: Not reviewed

6.8. Is legal support made accessible to all who would not otherwise be in a position to access legal proceedings because of cost?

- Yes. The threshold and conditions for receipt of legal aid ensures that all relevant groups who would not be able to access

legal proceedings because of cost are able to qualify for receipt of legal aid.

- Partially. The threshold and conditions for receipt of legal aid are sufficient to ensure that a limited number of relevant groups who would not be able to access legal proceedings because of cost are able to qualify for receipt of legal aid.
-
- No. The threshold is too high and conditions for receipt of legal aid are too restrictive to enable relevant groups who would not be able to access legal proceedings because of cost are able to qualify for receipt of legal aid.

Status: open

Review status: Not reviewed

6.9. Please add information about the specific provisions including types of services and groups eligible

Additional information

Status: open

Review status: Not reviewed

6.10. Are legal support services funded and staffed sufficiently to meet the needs of all those seeking legal support?

- Yes, there are sufficient financial and human resources to offer timely support to those seeking it
-
- Partially, there are some gaps in funding and staffing
-
- No, funding and staffing levels are completely inadequate to offer support to all those seeking it

Status: open

Review status: Not reviewed

7. PREVENTION OF CORRUPTION

This cluster focuses on state efforts to prevent corruption in the governance of tenure. Note that several other indicators under other clusters can inform the assessment of these efforts in practice. These include indicators on the right of access to information under cluster 5, indicators on land registration information under cluster 2, and on valuation and tax information under cluster 10.

Questions

7.1. Are principles of no tolerance to corruption embedded in national legislation, related specifically to land or otherwise?

Yes

No

Status: open

Review status: Not reviewed

Guidance

This question is from LANDex 8A block 3 question 2. If data for the country is available and recent, this may be used to respond to the question.

Multiple sections of the VGGT specify how the State should endeavour to prevent corruption in the governance of tenure. It is an overarching principle of responsible tenure governance (VGGT section 3A), and the VGGT specifies that the State should endeavour to prevent corruption in relation to policy and decision-making processes (5.8), in the delivery of services (6.9), in the allocation of tenure rights, in relation to customary tenure systems (section 9.12), and informal tenure (10.5), markets (11.7), redistributive reform programmes (15.9), in processes related to expropriation and compensation (16.6), in the recording of tenure rights (17.5), in taxation administration (19.3), in spatial planning (20.4), and in dispute resolution processes (21.5).

Data sources

National legal databases or repositories, official gazettes (National laws and programmes on corruption).

Data is available for certain countries under LANDex 8A block 3 question 2. Data can be downloaded in excel format here (<https://www.landexglobal.org/en/datasets/download-data/>) by selecting the relevant indicator from the dropdown list.

8. PROMOTION OF RESPONSIBLE INVESTMENTS

This cluster focuses on state obligations to protect and business obligations to respect human rights. Note that several other indicators are essential to an assessment of this theme. These include indicators on environmental, social and human rights impact assessments and incidences of dispossession under cluster 3, indicators on consultation procedures under cluster 5, and indicators on access to judicial mechanisms and legal support under cluster 6.

Questions

8.1. Is there a National Action Plan (NAP) on business and human rights?

Yes, a NAP on business and human rights is approved

A NAP is under development

No, there is no NAP on business and human rights

Status: open

Review status: Not reviewed

Guidance

It would be a sign of efforts towards promoting responsible investments and implementing state obligations to protect and business obligations to respect human rights if a National Action Plan (NAP) on business and human rights exists and includes action points related to land tenure, property and resource rights and human rights due diligence of business activities.

Data sources

Info site on NAPs on business and human rights that include action points on land: <https://globalnaps.org/issue/land/>

8.2. Does the plan include action points related to land tenure, property and resource rights?

Yes

No

Status: open

Review status: Not reviewed

8.3. Does the plan include action points on human rights due diligence/impact assessment?

Yes

No

Status: open

Review status: Not reviewed

8.4. Are there specific initiatives in place to implement the action plan?

Yes

No

I don't know

Status: open

Review status: Not reviewed

8.5. Please add additional details and references

Additional information

Status: open

Review status: Not reviewed

9. PROTECTION OF HUMAN RIGHTS DEFENDERS

This cluster monitors aspects of an enabling environment for human rights defenders working on issues related to the governance of land and natural resources. It addresses issues of recognition and protection of the defenders.

Questions

9.1. Are there provisions in national legislation or policy that recognize human rights defenders, including land and environmental defenders, as persons who, individually or in association with others, promote and strive for the protection and realisation of human rights

Yes

Partially

No

Status: open

Review status: Not reviewed

Guidance

This indicator measures whether the role of human rights defenders is recognised in national law or policy and whether these include land rights defenders.

Recognising the role of human rights defenders in the promotion of human rights, democracy and the rule of law is an essential component of ensuring their protection.

Data sources

National legislation or policies recognize the role of human rights defenders in accordance with the UN Declaration on Human Rights Defenders

Concepts

Human rights defender

While there is no specific definition of who is or can be a human rights defender, the OHCHR states that “Human rights defender” is a term used to describe people who, individually or with others, act to promote or protect human rights in a peaceful manner. See description of what human rights defenders do under additional resources.

Article 1 of the UN Declaration on Human Rights Defenders states that “Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.”^{[1](#_ftn1)} The term “human rights defender” has been used increasingly since the adoption of the Declaration in 1998.

^{[1](#_ftnref1)} In addition, the Preamble to the UN Declaration on Human Rights Defenders acknowledges “the valuable work of individuals, groups and associations in contributing to, the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals”.

9.2. Have there been any verified cases of the following against human rights defenders working on issues related to land or natural resources over the last three years in this community

Yes

No

Not known

Status: open

Review status: Not reviewed

Guidance

A human rights defender is someone who, individually or with others, act to promote or protect human rights in a peaceful manner. This indicator aligns with the global SDG indicator 16.10.1 which focuses on the number of verified cases of killing, enforced disappearance, torture, arbitrary detention, kidnapping and other harmful acts committed against journalists, trade unionists and human rights defenders on an annual basis. The focus here is on human rights defenders in land and natural resource matters. The binding regional treaty “Regional Agreement on Access to Information, Public Participation and Justice In Environmental Matters in Latin America and the Caribbean”, known as the Escazú Agreement (<https://treaties.un.org/doc/Treaties/2018/03/20180312%2003-04%20PM/CTC-XXVII-18.pdf>), from 2018 Article 9 specifies that States shall take appropriate, effective and timely measures to prevent, investigate and punish attacks, threats or intimidations that human rights defenders in environmental matters may suffer.

Data sources

Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates

If yes, how many cases

	No. of cases
Killings	<input type="text"/> Killings: No. of cases
Kidnapping	<input type="text"/> Kidnapping: No. of cases
Enforced disappearance	<input type="text"/> Enforced disappearance: No. of cases
Arbitrary detention	<input type="text"/> Arbitrary detention: No. of cases
Torture	<input type="text"/> Torture: No. of cases

Status: open

Review status: Not reviewed

Please provide all available information for these cases relating to:

Gender of human rights defenders (Number of cases)

Male

Female

Other

Status: open

Review status: Not reviewed

Age of human rights defenders (Number of cases)

Over 18

Under 18

Unkown

Status: open

Review status: Not reviewed

Other provided characteristics (number of cases)

With a disability

Indigenous

Belonging to a minority (ethnic, language, religion, sexual orientation)

Status: open

Review status: Not reviewed

Profession (number of cases)

Trade unionist

Media personnel

Journalist

Community leader

Other

Status: open

Review status: Not reviewed

Perpetrator status (number of cases)

State actor

Non-state actor

Unknown

Status: open

Review status: Not reviewed

9.3. Please provide further information on the harmful acts, including any available links to documentation that would support your response.

! No personal data

Additional information

Status: open

Review status: Not reviewed

10. TAXATION AND VALUATION

This cluster focuses on the transparency and quality of valuations of land, property and natural resources. These issues are closely linked to issues of corruption prevention under cluster 7 and access to remedy under cluster 6.

Questions

10.1. Are valuations of land, property and natural resources made publicly available?

Yes, they are publicly available

Partially, some valuation information is made available, but the information is not complete or fully available

No, they are not publicly available

Status: open

Review status: Not reviewed

Guidance

The indicator aligns with LGAF Module 7 part 1.1.2 “Valuation rolls are publicly accessible”. See link to data under “Data Sources”. The VGGT section 19 specifies that “assessments of valuations and taxable amounts should be made public”. This links to the right to information and the human rights principles of transparency and accountability which have been identified as among the key attributes of good governance by the Human Rights Council.

Valuations are important in ensuring fairness when dealing with exchanges and acquisitions of land tenure rights. Valuations are required by governments for taxation, spatial planning, calculation of compensation for expropriation, and infrastructure development among other important aspects. Reliable and transparent valuations can provide reassurance to individuals and businesses regarding the fairness of transactions in tenure rights and help reduce disputes.

Data sources

Valuation rolls/land and property information or assessment records may be available in a central database accessible online, or on different local government websites or in offline databases. In some instances, they may only be available as physical copies in local government offices.

LGAF country reports can be found here:

<https://www.worldbank.org/en/programs/land-governance-assessment-framework#2> (<https://www.worldbank.org/en/programs/land-governance-assessment-framework#2>)

Are they made accessible:

	Yes	No
In languages spoken by minorities in the country?	<input type="radio"/>	<input type="radio"/>
In formats other than writing (such as audio or visual)?	<input type="radio"/>	<input type="radio"/>

Status: open

Review status: Not reviewed

How are they made accessible? (click the answer that applies)

- On a website available to anyone searching for it
- On request - documents/information can generally be obtained within 1 week of request
- On request - it generally takes at least a few weeks after request/or it is not unusual that documents/information cannot be

produced in response to a request

Status: open

Review status: Not reviewed

Does it cost anything to get this information? (click the answer that applies)

- No, it is free of cost
-
- Yes, there is a small fee, but it is affordable even to people with low-income
-
- Yes, there is a fee, and it would likely be too costly for those with low-income

Status: open

Review status: Not reviewed

10.2. Is national land tax and rent information made available to the public?

- Yes, it is publicly available
-
- Partially, some information is made available, but the information is not complete or fully available
-
- No, it is not publicly available

Status: open

Review status: Not reviewed

Guidance

The VGGT section 19 on taxation specifies that “assessments of valuations and taxable amounts should be made public”. This links to the right to information and the human rights principles of transparency and accountability which have been identified as among the key attributes of good governance by the Human Rights Council.

Taxation is also an important tool for raising resources for human rights realisation and ensuring that rights-holders benefit from investments and economic development. The International Covenant on Economic, Social and Cultural Rights (ICESCR) states that: ‘Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures’ (article 2.1). This means that states have a duty to ensure that they have the maximum available resources to progressively realise human rights, meaning they should ensure their domestic resource (among other things, tax) mobilisation is fit for purpose to raise the adequate funds.

Data sources

Rent and tax information may be available in a central database accessible online, or on different local government websites or in

offline databases. In some instances, they may only be available as physical copies in local government offices.

Is it made accessible:

	Yes	No
In languages spoken by minorities in the country?	<input type="radio"/>	<input type="radio"/>
In formats other than writing (such as audio or visual)?	<input type="radio"/>	<input type="radio"/>

Status: open

Review status: Not reviewed

How is it made accessible? (click the answer that applies)

- On a website available to anyone searching for it

- On request - documents/information can generally be obtained within 1 week of request

- On request - it generally takes at least a few weeks after request/or it is not unusual that documents/information cannot be produced in response to a request

Status: open

Review status: Not reviewed

Does it cost anything to get this information? (click the answer that applies)

- No, it is free of cost

- Yes, there is a small fee, but it is affordable even to people with low-income

- Yes, there is a fee, and it would likely be too costly for those with low-income

Status: open

Review status: Not reviewed

10.3. Do the standards/method for valuation of land tenure rights take into account market values and non-market values such as social, cultural, religious, spiritual and environmental values where applicable?

- Yes, the standards/method takes into account non-market values
-
- Partially, the standards/methods take into account some non-market values but not in a holistic way
-
- No the standards/method does not take into account non-market values
-
- Not possible to assess/standards and methods are not available

Status: open

Review status: Not reviewed

Guidance

The VGGT paragraph 18.2 underlines that “policies and laws related to valuation should strive to ensure that valuation systems take into account non-market values, such as social, cultural, religious, spiritual and environmental values where applicable”. Market value is value-in-exchange and mainly influenced by the economic benefits that the tenure rights are capable of generating. Market values (or prices) are revealed when tenure rights are exchanged. Non-market value reflects non-economic qualities including social, cultural and environmental benefits that the tenure rights confer. An example of non-market value might be value that is ascribed to a community’s ancestral land.

Data sources

Policies on valuation or official documents describing valuation methods.

10.4. Do national laws provide for a right to appeal a public valuation of land, property and natural resource?

- Yes, the law fully provides for a right to appeal valuations
-
- Partial, the law partially provides for a right to appeal valuations
-
- No, the laws do not provide for a right to appeal valuations

Status: open

Review status: Not reviewed

Guidance

Section 16.6 of the VGGT specifies that “All parties should endeavour to prevent corruption, particularly through use of objectively assessed values, transparent and decentralized processes and services, and a right to appeal”.

Data sources

National legal databases or repositories, official gazettes.

11. INTERNATIONAL COOPERATION

This cluster concerns the governance of customary tenure rights that cross nation state boundaries. The specific focus is on bilateral or regional agreements governing these rights and the respect for these agreements in practice. It is closely linked with cluster 1 indicators on recognition of customary tenure and collective rights.

Questions

11.1 Are there customary activities relating to land and resources that take place across nation state boundaries?

Yes

No

Status: open

Review status: Not reviewed

Guidance

This question aims to assess whether communities in the country traditionally or customarily uses land and resources across nation state boundaries and if so, whether they have been prevented from doing so, or restrictions have been placed on these activities.

This would apply to transhumant, fisher, pastoralist and hunter-gatherer communities who use land on a seasonal basis.

11.2 Have there been incidences of these activities being restricted or prevented

No, no significant restrictions

Partially, some restrictions

Yes, significant restricts/activities completely prevented

Status: open

Review status: Not reviewed

11.3 For whom? (tick all that apply):

Transhumant/pastoralists

Fishers

Hunter-gatherers

Other (Specify in comments box)

Status: open

Review status: Not reviewed

11.4 Please provide additional information about the incidences and nature of the restrictions.

Additional information

Status: open

Review status: Not reviewed

11.5. Are there bilateral agreements guiding the governance of customary tenure rights that cross international boundaries?

- Yes, there are bilateral or regional agreements which sufficiently take into account the rights of those communities which customarily use land and resources across national borders
-
- Partial. Such bilateral or regional agreements exist but they do not fully protect the customary use of land by communities that cross international boundaries.
-
- No. There are no bilateral or regional agreements to protect customary tenure rights that cross international boundaries.

Status: open

Review status: Not reviewed

Guidance

This indicator concerns agreements protecting the tenure rights of communities that use and access land and resources across borders. This would apply to transhumant, fishing, pastoralist and hunter-gatherer individuals and communities who use land and resources on a seasonal basis.

Data sources

National legal repositories, official gazette.

Respondents

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Co-respondent(s)

Reviewer(s)