



LATEST ON SDG 5, TARGET 5.1

THE CRUCIAL ROLE OF LEGAL FRAMEWORKS IN ADVANCING GENDER EQUALITY



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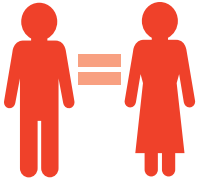
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THE CRUCIAL ROLE OF LEGAL FRAMEWORKS IN ADVANCING GENDER EQUALITY

Latest on SDG 5, Target 5.1: End all forms
of discrimination against women and girls
everywhere





LEGAL FRAMEWORKS THAT ADVANCE GENDER EQUALITY ARE FUNDAMENTAL TO ENABLING CHANGE

Removing discriminatory laws and putting in place legal frameworks that advance gender equality are prerequisites to ending discrimination against women and achieving gender equality (Goal 5, Target 5.1). Data on legal frameworks are crucial and SDG indicator 5.1.1 is a key tool to monitor progress.¹

SDG INDICATOR 5.1.1

Whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex.

SDG indicator 5.1.1 includes data across 4 areas that are critical to advancing gender equality:

- **Area 1:** Overarching legal frameworks and public life²
- **Area 2:** Violence against women³
- **Area 3:** Employment and economic benefits⁴
- **Area 4:** Marriage and family⁵



Domestic violence laws

Analysis shows that countries with domestic violence legislation report lower rates of intimate partner violence (IPV). The average **intimate partner violence rates for countries**

with domestic violence legislation are 9.5% while those for countries with **no domestic violence legislation are 16.1%**.⁶



Labour force participation

Reports show that in countries where policies empower women economically, there is higher female labour force participation, lower vulnerable employment, and greater representation of women in national parliaments,⁷

and that enactment of **childcare laws increases women's labour force participation by 2%**, on average, with the research showing that the effect increases over time, reaching up to **4%** five years after enactment.⁸



Quotas make a difference

Analysis has shown that adoption of, and compliance with, gender quota legislation is the main policy intervention that has improved women's participation

in decision-making.⁹

In States with legislated quotas, women are on average elected to

26% of seats in parliament,

compared with

21% in countries without such legislation.¹⁰

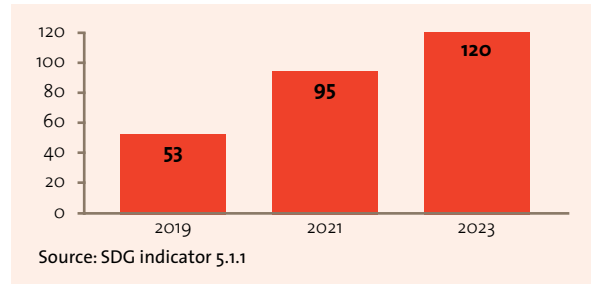




Evidence is growing of laws and policies that advance gender equality

Data on SDG indicator 5.1.1 have more than doubled. Data were reported on 53 countries in the first reporting in 2019, and country coverage increased to **120 countries in 2023**. While coverage has increased, more is needed. Insufficient data and evidence to monitor advances and incentivize policy actions are a major impediment to reaching SDG Goal 5.¹¹

FIGURE 1
Country coverage on SDG indicator 5.1.1 by reporting year

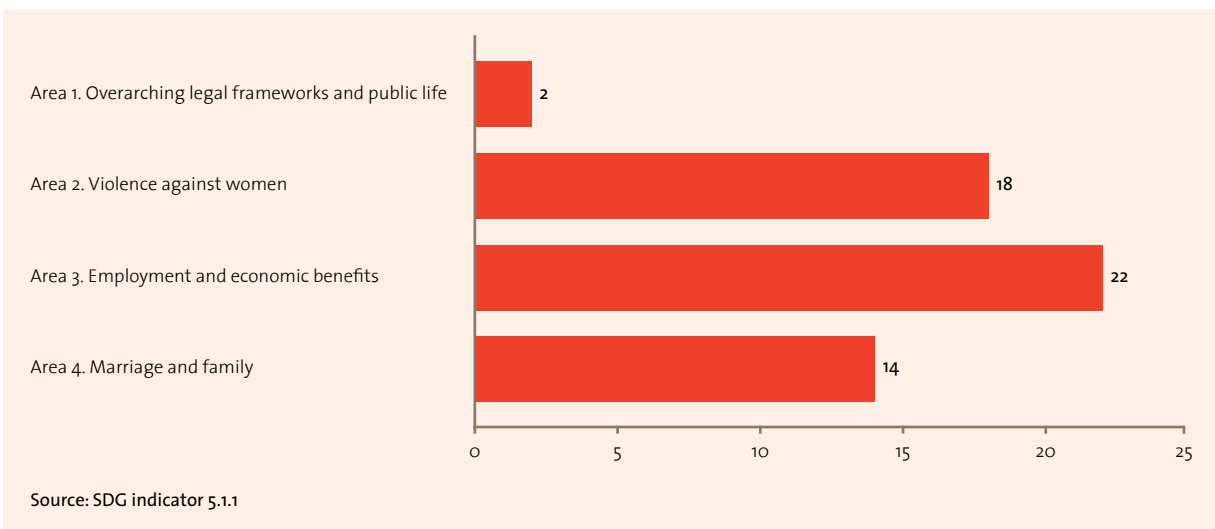


56 reforms were recorded between 2019 and 2023, showing positive change

Between 2019 and 2023, **56 positive legal reforms were recorded across the 4 areas** measured by SDG indicator 5.1.1, with Area 3, covering employment and economic benefits, showing

the most progress with 22 positive reforms. Area 1 on overarching legal frameworks and public life recorded the lowest number of reforms with only 2 countries reforming in this area since 2019.¹²

FIGURE 2
Number of legal reforms between 2019 and 2023, by area



SDG indicator 5.1.1 is at moderate distance to target globally, with regional variation

Globally, the average score for the 4 areas measured by SDG indicator 5.1.1 is at a moderate distance to target. In Area 1, the percentage of countries that are close to target is only 18%. In the other 3 areas,

over 50% of countries are at a moderate, far or very far distance from target.¹³ At the regional level, while some regions do better than others, legal gaps remain.

FIGURE 3
Global distance to target, by area

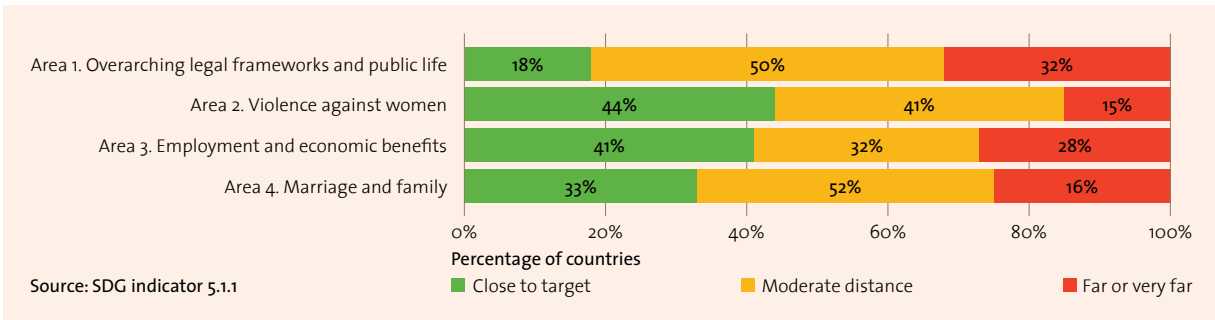
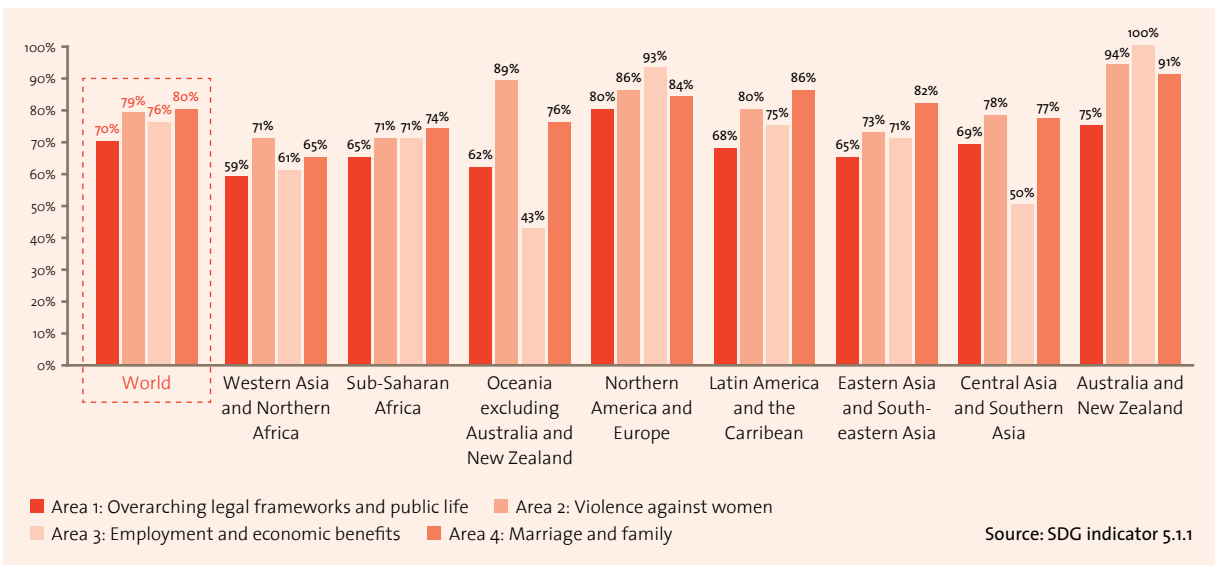


FIGURE 4
Regional average achievement score, by area



WHILE REFORMS ARE TAKING ROOT, COUNTRIES HAVE CONTINUING LEGAL GAPS

54% of countries have legal gaps in all 4 areas. While some countries get close and score 100% on 3 of the 4 areas under SDG indicator 5.1.1, none of the 120 countries covered in 2023 receive a perfect score across all 4 areas.

FIGURE 5
Percentage of countries that have gaps in all 4 areas measured by SDG indicator 5.1.1

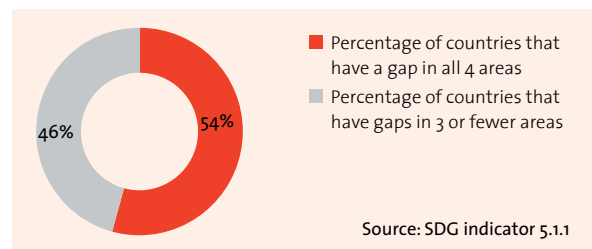
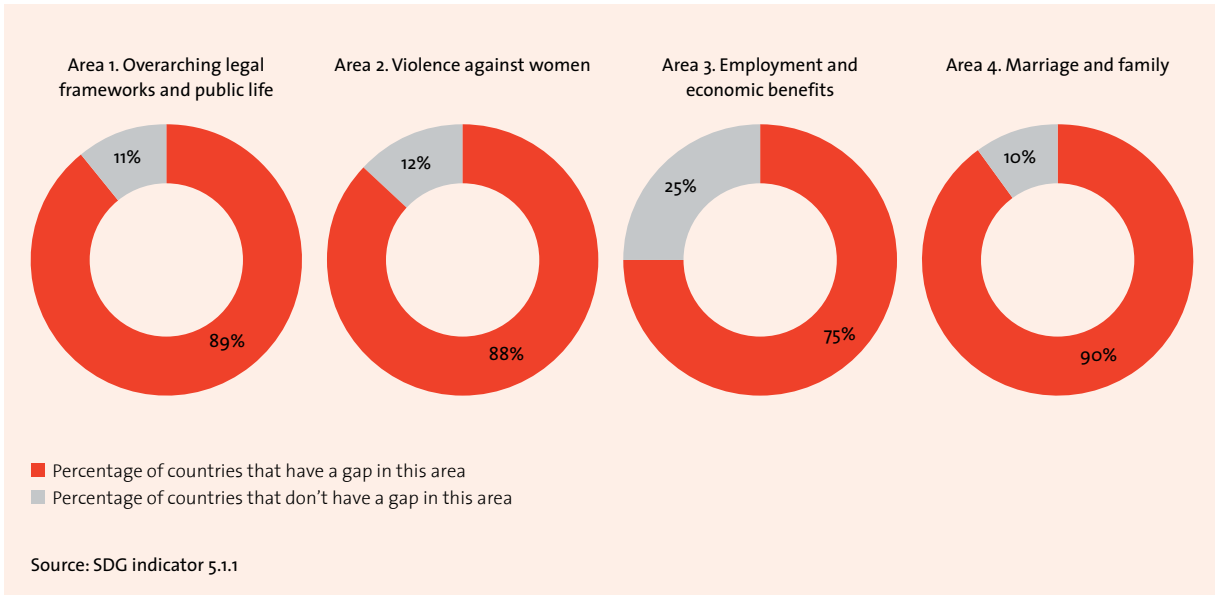


FIGURE 6
Percentage of countries that have continuing legal gaps, per area



ENCOURAGING DEVELOPMENTS ACROSS 4 AREAS

69% of countries have established **specialized independent bodies that receive complaints** of discrimination based on gender, such as national human rights institutions, women's commissions, or ombudspersons.

78% of countries provide **budgetary commitments** for the implementation of programmes, activities or services addressing violence against women.

74% of countries have **national action plans**, policies or strategies to address violence against women.

85% of countries provide or subsidize **childcare**.

80% of countries have no limitations on **women's capacity** by ensuring that women and men have equal rights to be recognized as head of household, obtain an identity card, apply for a passport, and choose where to live and their profession.

THERE ARE MANY GOOD PRACTICES IN EACH AREA BUT LEGAL GAPS PERSIST

Area 1 – Overarching legal frameworks and public life



NON-DISCRIMINATION

Good practice antidiscrimination laws prohibit direct (different treatment explicitly based on grounds of sex and gender) and indirect (seemingly gender-neutral criteria which in their actual effect have a detrimental impact on women) discrimination against women (see article 1 of CEDAW which provides a comprehensive definition of discrimination against women).

In **Armenia**, the [Law on Equal Rights and Equal Opportunities for Men and Women](#) prohibits discrimination and harassment in the public and private sector in a broad range of spheres, including employment, education, science and sports, social security, judiciary and administration, housing, public information and media, and defense and security. The law specifically defines and prohibits both direct and indirect gender-based discrimination.

In the **Philippines**, the [Magna Carta of Women](#) defines “discrimination against women” as any

gender-based distinction, exclusion, or restriction which has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field. It includes any act or omission, including by law, policy, administrative measure, or practice, that directly or indirectly excludes or restricts women in the recognition and promotion of their rights and their access to and enjoyment of opportunities, benefits, or privileges.

56% of countries do not have a non-discrimination law that prohibits both direct and indirect discrimination against women.



QUOTAS FOR WOMEN FOR NATIONAL PARLIAMENT

Women continue to be underrepresented at all levels of political leadership. Good practice includes putting in place temporary special measures, such as legislated quotas, which have the capacity to accelerate the elimination of discrimination against women and equal participation of women in the political, economic, social, cultural or other fields.

In **Bolivia**, the [Electoral Regime Law](#) mandates gender equality and equal opportunities between women and men by requiring that the lists of candidates for Senators, Deputies, Departmental and Regional Assembly Members, Councilors and Municipal Councilors, and other elective authorities, holders and alternates, respect gender parity and alternation between women and men so that there is a female nominee and then a male nominee; a female alternate candidate and then a male

alternate candidate, successively. At least 50% of the candidates are required to be women.

In **Rwanda**, the [Constitution of Rwanda](#) stipulates that there must be 30% of women in decision-making organs as well as in the Chamber of Deputies and in the Senate. It also states that 24 of the 80 seats of the Chamber of Deputies are reserved for women. The Electoral Law also confirms that 24 seats in the Chamber of Deputies will be reserved for

women and that at least 30% of candidates on the closed list must be women.

In the **Republic of Moldova**, according to the 2023 Electoral Code, the lists of candidates for the

parliamentary and local elections are drawn up respecting the minimum representation quota of 40% for both sexes. Positioning of candidates on the list is done according to the formula of minimum four candidates for every ten seats.

51% of countries do not have legislated quotas for women (reserved seats or candidate quotas) for national parliament.¹⁴



CITIZENSHIP

Gender discrimination in nationality laws perpetuates women's unequal status in society and the family. Additionally, gender discrimination in nationality laws places many children worldwide at risk of statelessness and can result in wide-ranging violations of children's rights, including obstacles to family unity, freedom of movement, access to education, healthcare, and social services, the right to an inheritance, and freedom from child marriage, in addition to other hardships and rights violations. Good practice laws ensure that women and men have equal rights to confer citizenship to their children and spouses.

In **Ethiopia**, the [Ethiopian Proclamation on Nationality](#) allows all Ethiopian nationals to pass citizenship to children and spouses, without distinction based on gender.

Liberia in 2022 amended its nationality law to grant women and men equal rights to confer nationality

to their children after participating in UNHCR's #IBelong Campaign to End Statelessness.

In **Suriname**, the [Nationality and Residence Law](#) grants Surinamese women the same rights as men to pass their nationality to their children and spouses.

In **18%** of countries, women do not have equal rights to confer citizenship to their spouses and their children.

Area 2 – Violence against women



MARITAL RAPE

Laws that exclude marital rape from the prohibition of rape strengthen patriarchal family structures and fail to address discrimination and violence against women. Good practice laws prohibit marital rape and remove any legal barriers to women's ability to file a complaint for rape against her husband or partner.

In **Cyprus**, the [Domestic Violence \(Prevention and Protection of Victims\) Law](#) states that the offenses of rape and attempted rape under the Penal Code may be deemed to be committed by a spouse against a spouse.

In **Trinidad and Tobago**, the [Sexual Offences Act](#) explicitly criminalizes the act of rape between persons in marital relationships, by making it clear that the section applies to a husband, or any cohabitant in relation to the commission of the offence of rape on his wife.

14% of countries do not criminalize marital rape or entitle a woman to file a complaint for rape against her husband or partner.



DEFINITION OF RAPE

Legal definitions of rape have evolved over time, from requiring use of force or violence, to a basis of lack of consent. Good practice laws remove any requirement that the victim produce proof of penetration or force or violence and base the legal definition of rape on lack of freely given consent, taking into account coercive circumstances.

In **Nepal**, [the Muluki Ain](#) (General Code) defines the offense of rape as a person entering into sexual intercourse with a woman without her consent or with a girl below the age of sixteen years with or without her consent. The law further clarifies that consent taken by using fear, coercion, undue influence, misrepresentation or use of force or kidnapping or hostage taking (abducting), as well as consent taken when the woman is not in a conscious condition shall not be considered consent.

Sweden in 2018 changed the legal definition of rape to sex without consent. Prosecutors no longer have to prove the use or threat of violence or coercion.

In the **United Kingdom**, the [Sexual Offences Act](#) defines several types of sexual offences based on an intentional act by person A against person B, where person B did not consent and person A did not reasonably believe that there is consent. The law further notes that whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps the perpetrator has taken to ascertain whether the victim consents.

54% of countries lack laws that define rape based on the principle of consent.

Area 3 – Employment and economic benefits



LABOUR RESTRICTIONS

The adoption of more equal laws pertaining to women's access to the workforce is positively associated with more equal labour market outcomes and improved human capital, which cannot be met only by male workers. Restricting women's occupational choices leads not only to job segregation, but also to labour market distortions, lower wages, and less innovation and productivity. Prohibiting women from working the night shift may negatively affect their career progression.¹⁵

Pakistan in 2021 lifted restrictions on women's ability to work at night.

women's employment in the mining, manufacturing, agriculture and energy industries.

The **United Arab Emirates** in 2019 lifted restrictions on women's ability to work at night and in jobs deemed dangerous. It also eliminated restrictions on

Viet Nam in 2019 repealed and replaced its 2012 labour code with a new labour code which eliminated restrictions on women's employment in jobs deemed dangerous.

In **51%** of countries there is at least one restriction preventing women from doing the same jobs as men.¹⁶



EQUAL PAY

Laws guaranteeing equal pay are essential for closing the gender wage gap and contributing to women's economic empowerment. Good practice laws refer to the standard of "equal remuneration for work of equal value" allowing for the comparison of not only the same jobs but also different jobs of equal value, including jobs in a different workplace or under a different employer (see ILO Convention 100 on Equal Remuneration).

Costa Rica in 2019 enacted the [Law on Salary Equality between Women and Men](#) (No. 9677), which amends article 14 of the Law Promoting Social Equality for Women on equal pay. It states that "Women shall have the right to equal pay with men, both in the private and public sectors, for work of equal value under the same employer, whether it is the same position or different positions of equal value, or in similar or reasonably equivalent functions."

In **Croatia**, the [Labour Act of Croatia](#) guarantees equal pay for work of equal value, providing examples of the different circumstances that would amount to "work of equal value", and defining "pay" expansively to include minimum salary and any additional benefits of any kind, whether directly or indirectly by the employer, in cash or in kind. In addition, unequal remuneration on the basis of gender is a form of gender discrimination under the [Law on Gender Equality](#).

In **44%** of countries, the law does not mandate equal remuneration for work of equal value.



MATERNITY LEAVE

Paid maternity and parental leave schemes for women are critical family-related provisions that facilitate women's employment and enhance their income security, while making it possible for both women and men to spend time caring for young children. Good practice laws provide for a minimum of 14 weeks of maternity leave with at least two-thirds of the mother's previous earnings (see ILO Maternity Convention 2000 (No.183)).

In **Bulgaria** the [Labour Code](#) guarantees women 410 days of paid maternity leave and the Social Insurance Code sets that the daily maternity leave cash benefit

In **Mauritius**, the [Workers' Rights Act](#) requires every employer to ensure that the remuneration of a worker shall not be less favorable than the remuneration of another worker performing work of equal value.

Jordan in 2019 enacted a new labour law ([Labour Law No. 14 of 2019](#)) and introduced the principle of equal remuneration for work of equal value.

In **Thailand**, the Labour Protection Act (2019) states that it is required that male and female employees who perform work of the same type, quality, quantity, or work of equal value must receive equal compensation, which includes equality in wages, overtime payments, payments for work performed on holidays, and overtime payments for work performed on holidays.

at 90% of average daily gross wage for the period of 24 calendar months preceding the month of maternity leave (subject to a minimum and maximum amount).

In **New Zealand**, the [Parental Leave and Employment Protection Act](#) guarantees 26 weeks of primary carer leave. Parental leave payments are paid weekly for one continuous period of up to 26 weeks and are equivalent to 100% of the primary carer's ordinary weekly pay (subject to a maximum).

In **Paraguay** between 2015 and 2018, the [Law on the Promotion, Protection of Maternity and Support for Breastfeeding](#) gradually increased the duration of maternity leave from 14 to 18 weeks and the amount of maternity benefits from 50% to 75% of the woman's previous earnings.

In **35%** of countries, the law does not provide for maternity or parental leave to mothers in accordance with the ILO standards.

Area 4 – Marriage and family



AGE OF MARRIAGE

Child, early and forced marriage disproportionately affects women and girls globally, disrupting their education, making them more vulnerable to violence, discrimination and abuse, fueling higher than average maternal mortality rates and preventing their full participation in economic, political and social spheres. Good practice laws provide a minimum age of marriage of 18 for both women and men without exceptions.

Côte d'Ivoire in 2019 passed a bill that set the minimum age of consent for marriage to 18 years for both sexes and did away with special dispensations.

Finland in 2019 adopted changes to its Marriage Act through the Child Custody Act, revoking all special exceptions to the minimum age of marriage.

In **Ecuador**, the [Civil Code](#) establishes the legal minimum age 18 years for both women and men with no exceptions.

In **Nigeria**, the [Child's Rights Act](#) provides that no person under the age of 18 years is capable of contracting a valid marriage, and no parent, guardian or any other person shall betroth a child to any person.

In **72%** of countries, the minimum age of marriage is not at least 18 years, with no legal exceptions, for both women and men.

PRIORITY ACTIONS TO ENHANCE PROGRESS

Eliminate all persisting discriminatory laws.

Put in place strong legal frameworks that advance gender equality in all areas.

Building on legal reforms, ensure full implementation of laws and monitor their impact, accompanied by adequate resources, infrastructure and capacity-building.

ENDNOTES

- 1 SDG indicator 5.1.1 measures government efforts to put in place legal frameworks that promote, enforce and monitor gender equality. The assessment is carried out by national counterparts, including National Statistical Offices and/or National Women's Machinery, and legal practitioners/researchers on gender equality, using a questionnaire comprising 42 questions across four areas of law: (i) overarching legal frameworks and public life; (ii) violence against women; (iii) employment and economic benefits; and (iv) marriage and family. See SDG indicator 5.1.1 [metadata](#) for more information. Co-custodian agencies responsible for aggregating the relevant data on this indicator: UN Women (<https://www.unwomen.org>), the World Bank Group (<https://wbl.worldbank.org>), the OECD Development Centre (<https://oe.cd/sigi>).
- 2 This area includes questions on legal and constitutional protections, access to public and political office, quotas for national parliaments, citizenship laws, complaint bodies.
- 3 This area includes questions on domestic violence, laws relating to rape, budgetary commitments, national action plans addressing violence against women.
- 4 This area includes questions on nondiscrimination in employment, restrictions on women's jobs, maternity and paternity leave, childcare.
- 5 This area includes questions on minimum age of marriage, guardianship of children, limits to women's capacity (equality as head of household, in choosing where to live, getting IDs and passports), equal rights in marriage and divorce.
- 6 UN Women and UNDESA. 2023. [Progress on the Sustainable Development Goals: The Gender Snapshot](#).
- 7 World Bank Group, Women, Business and the Law (<https://wbl.worldbank.org>)
- 8 S Anukriti; Dinarte Diaz, Lelys Ileana; Elefante, Marina; Montoya Aguirre, Maria; Sakhonchik, Alena. Filling the Gaps : Childcare Laws for Women's Economic Empowerment (English). Policy Research working paper; no. WPS 10492; Washington, D.C.: World Bank Group. (<http://documents.worldbank.org/curated/en/099018006212310610/IDUoc29425380315704ea90bf020573349106bf8>).
- 9 Report of the Secretary-General, Commission on the Status of Women, Sixty-fifth session (2021), Paragraph 24. (<https://undocs.org/Home/Mobile?FinalSymbol=E%2FCN.6%2F2021%2F3&Language=E&DeviceType=Desktop&LangRequested=False>). See also Forman-Rabinovici A, Nir L (2021) Personalism or party platform? Gender quotas and women's representation under different electoral system orientations (<https://doi.org/10.1371/journal.pone.0257665>).
- 10 Ibid.
- 11 UN Women and UNDESA. 2023. [Progress on the Sustainable Development Goals: The Gender Snapshot](#).
- 12 The reform count refers to positive changes in legal frameworks between reporting years under the indicator. The reforms are counted by question and a country may have reforms in more than one area.
- 13 The countries close to target have a score of 85% or above. The countries at moderate distance to target have a score between 65% and 85%. The countries far or very far from target have a score below 65%. For further information on these calculations, see the [Gender Snapshot 2023](#) and the 2022 [Technical Note](#).
- 14 For more information on quotas, country profiles and analysis, visit the [United Nations Gender Quota Portal](#).
- 15 World Bank Group, Women, Business and the Law (<https://wbl.worldbank.org>)
- 16 Labour restrictions cover the following 4 questions included in Area 3:
 - Can women work in jobs deemed hazardous, arduous or morally inappropriate in the same way as men?
 - Are women able to work in the same industries as men?
 - Are women able to perform the same tasks at work as men?
 - Does the law allow women to work the same night hours as men?

UN WOMEN IS THE UN ORGANIZATION DEDICATED TO GENDER EQUALITY AND THE EMPOWERMENT OF WOMEN. A GLOBAL CHAMPION FOR WOMEN AND GIRLS, UN WOMEN WAS ESTABLISHED TO ACCELERATE PROGRESS ON MEETING THEIR NEEDS WORLDWIDE.

UN Women supports UN Member States as they set global standards for achieving gender equality, and works with governments and civil society to design laws, policies, programmes and services needed to ensure that the standards are effectively implemented and truly benefit women and girls worldwide. It works globally to make the vision of the Sustainable Development Goals a reality for women and girls and stands behind women's equal participation in all aspects of life, focusing on four strategic priorities: Women lead, participate in and benefit equally from governance systems; Women have income security, decent work and economic autonomy; All women and girls live a life free from all forms of violence; Women and girls contribute to and have greater influence in building sustainable peace and resilience, and benefit equally from the prevention of natural disasters and conflicts and humanitarian action. UN Women also coordinates and promotes the UN system's work in advancing gender equality.



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