

OXFORD HANDBOOK ON THE SUSTAIBALE DEVELOPMENT GOALS

SDG 5

'ACHIEVE GENDER EQUALITY AND EMPOWER ALL WOMEN AND GIRLS.'

**Rangita de Silva de Alwis
UNIVERSITY OF PENNSYLVANIA LAW SCHOOL**

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I. TRAVAUX

II. COMMENTARY ON THE GOAL

Comparison with MDG

The predecessor of SDG Goal 5 is the Millennium Development Goal (MDG) Goal 3, which sought to promote gender equality and empower women.¹ Goal 3 included one target, Target 3.A, which set out to “eliminate gender disparity in primary and secondary education, preferably by 2005, and in all levels of education no later than 2015.” The MDG framework employed a cross-cutting approach and had gender-related targets under goals that were devoted to other thematic areas: for instance, target 1.B (“Achieve full and productive employment and decent work for all, including women and young people”), target 2.A (“Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling”), target 5.A (“Reduce by three quarters, between 1990 and 2015, the maternal mortality ratio”), and target 5.B (“Achieve, by 2015, universal access to reproductive health”).² Critics have argued that this selection of thematic areas “focused attention on the developing world” and “effectively [narrowed] the focus on gender issues.”³ Prioritizing these specific issues “arguably incentivized states to focus their efforts and scarce resources on activities that would ‘count’ for the purposes of the MDGs – at the expense of a broader approach to addressing gender concerns trained on deeper culture change.”⁴

This flaw has been addressed to a certain extent in the 2030 Agenda, as the range of thematic areas concerning gender in the SDG regime is broader than that of the MDG: while education has been migrated to Goal 4 (the education goal), gender issues including gender discrimination, violence, harmful practices, unpaid care and domestic work, sexual and reproductive health and rights, economic empowerment, political participation, and access to ICTs have been assigned individual targets and indicators under Goal 5. The SDG framework, formulated based on a global development agenda, also represents a shift from focusing on developing world issues to universal gender issues. But, as the discussion below will show, what Goal 5 covers does not constitute an exhaustive list of gender issues that require attention and are indispensable to achieving gender equality, such as women’s role in peacemaking and conflict situation and the root causes of discrimination and violence against women.

The SDG regime, consistent with the previous MDG regime, also adopts a cross-cutting approach: more than half of the other SDGs have targets that mention women and/or gender (Goal 1 on poverty, Goal 2 on hunger, Goal 4 on education, Goal 6 on clean water and sanitation, Goal 8 on decent work and economic growth, Goal 11 on sustainable cities and communities, Goal 13 on climate action and Goal 17 on partnerships for the goals). This approach embodies the recognition of the “overarching, cross-cutting nature of gender and the gendered impacts of environmental, social, and economic concerns.”⁵

¹ United Nations <<https://www.un.org/millenniumgoals/gender.shtml>> accessed June 2 2021.

² United Nations <<https://www.un.org/millenniumgoals/>> accessed June 2 2021.

³ Karen Morrow, ‘Gender and the Sustainable Development Goals’ in Duncan French and Louis J. Kotzé (eds), *Sustainable Development Goals* (Edward Elgar 2018).

⁴ id.

⁵ Consortium on Gender, Security, and Human Rights, ‘Feminist Critiques of the Sustainable Development Goals: Analysis and Bibliography’ (2017) <https://genderandsecurity.org/sites/default/files/Feminist_Critiques_of_the_SDGs_-_Analysis_and_Bibliography_-_CGSHR.pdf>.

A major improvement of the SDG regime is the introduction of legal and regulatory frameworks in place as a measurement of progress. In the previous MDG regime, this element was glaringly absent. The SDG regime acknowledges the fundamental importance of national legislations in ensuring gender equality and women's empowerment, and has under Goal 5 four indicators that measure the level of legal support in a specific area: indicator 5.1.1 (anti-discrimination laws), indicator 5.6.2 (laws and regulations for sexual and reproductive health and rights), indicator 5.a.2 (land right laws), and indicator 5.c.1 (gender budget and oversight programs). In this sense, the Goal 5 framework combines both top-down and bottom-up measurements that examine both national efforts (laws, regulations, policies, etc.) and the actual experience of women and girls (surveys on violence, early marriages, domestic work, etc.).

A Goal-Based Approach

The 2030 Agenda uses a “target-based, indicator-driven” model. The advantages of such a model are obvious: indicators can communicate clear progress achieved and what remains to be worked on; indicators measurement enable comparisons across different regions and countries, and facilitates the allocation of resources. Yet, this indicator-driven model also has the danger of incentivising countries, especially those with limited means, to focus resources and efforts on the targets and indicators that are more easily quantified and measurable, at the expense of other more qualitative targets and indicators.⁶ UN agencies media publications illustrate this point. In the wake of the COVID-19 pandemic, several agencies issued reports that shed light on how the pandemic affected women and girls. What receive the limelight attention in these reports are usually those in which impact can be readily measured and translated into numbers, such as violence and domestic care.⁷

Another weakness of the indicator-centered approach is that it relies heavily on the quantity and quality of data. As Morrow points out, “[d]ata science has struggled to keep pace with the relatively modest demands of monitoring the MDG targets/indicators set, with data disaggregation, in particular, proving problematic with respect to gender throughout the duration of the MDGs.”⁸ According to UN Women, as of December 2020, it has 39% of the gender data needed to monitor the SDGs.⁹ Data shortage is also a problem for two-thirds of the indicators for gender equality and women's empowerment, and no region had data available for even half of the gender indicators.¹⁰ As will be discussed in the Targets section, many indicators fail to capture fully the ambitious, rosy picture painted by the Target statement, and using the indicators as the sole measurement increases the risks of reductionism and “extreme simplification of [...] often complex areas of social endeavour.”¹¹

A Mainstream Growth-Oriented Approach Rather Than Tackling Structural Challenges

Another frequently discussed flaw of the SDGs is that they abide by the mainstream growth-oriented development model:

“There is no fundamental challenge in the SDGs to the economic model of development pursued over the past forty years, which has focused on resource-intensive economic growth as a

⁶ Morrow, *supra*, 159.

⁷ See <https://sdgs.un.org/goals/goal5> , <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2020/gender-equality-in-the-wake-of-covid-19-en.pdf?la=en&vs=5142>

⁸ Morrow, *supra*, 160.

⁹ UN Women, ‘We now have more gender-related SDG data than ever, but is it enough?’ (May 06 2021) <<https://data.unwomen.org/features/we-now-have-more-gender-related-sdg-data-ever-it-enough>>.

¹⁰ *id.*

¹¹ Morrow, *supra*, 162.

pre-condition for progressive (redistributive) policies. Authors point out that the 2030 Agenda does not present a strategy for structural reform to tackle poverty and inequality, nor does it challenge existing trade, tax or financial architectures. In that sense, the Agenda thus fails to provide the right 'enabling environment', as well as the necessary financing, for the realization of women's rights."¹²

"The 2030 Agenda seems to take for granted some key elements of the currently dominant economic agenda, centered on continued growth, trade liberalization, and 'partnerships' with the private sector. Past experience suggests that more of the same is unlikely to provide an enabling environment for gender equality and the realization of women's economic and social rights. The hard won gains and vision of the SDGs will be difficult to realize unless the dominant economic model is revised."¹³

Neglect of a Structural Lens

Several feminist critics also lament the SDG framework for failing to acknowledge economic and social structures as contributing to and exacerbating gender imbalance.¹⁴ Many existing systemic economic and social models breed and perpetuate gender inequalities, but the SDGs do not do enough to recognize this as the underlying cause of challenges which will be discussed later.

Relatedly, the SDG regime also neglects the historic power relations that underpin women's obstacles. It fails to adequately identify broader and intersectional "power relations between the North and the South, between the rich and the poor, and between men and women."¹⁵ In particular, it is paramount to understand that the unequal power relations between men and women perpetuate gender inequality, and "a focus only on the immediate problems of individual women and girls will fail if these power relations are not transformed."¹⁶

Central to inequality and gender-based violence is the acknowledgment of intersectional identity which sees identity as forming at the intersections of axes such as sex, race, ethnicity, class, and sexuality. The Declaration on the Elimination of Violence against Women (DEVAW) draws the links between violence against women and the systemic structures. The preamble to DEVAW states categorically that:

"[v]iolence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.

Likewise, regional human rights treaties such as the... the preamble to Belém do Pará acknowledges that "violence against women. . . . [is] a manifestation of the historically unequal power relations between women and men." This acknowledgment recognizes that certain groups of women,

¹² Valeria Esquivel and Caroline Sweetman, 'Gender and the Sustainable Development Goals' (2016) 24 *Gender & Development* 1.

¹³ Shahra Razavi, 'The 2030 Agenda: Challenges of Implementation to Attain Gender Equality and Women's Rights' (2016) 24 *Gender & Development* 25.

¹⁴ Consortium, *supra*, 4.

¹⁵ Valeria Esquivel, 'Power and the Sustainable Development Goals: A Feminist Analysis' (2016) 24 *Gender & Development* 9.

¹⁶ Elizabeth Stuart and Jessica Woodroffe, 'Leaving No-One Behind: Can the Sustainable Development Goals Succeed Where the Millennium Development Goals Lacked?' (2016) 24 *Gender & Development* 69.

such as those from racial or ethnic minorities, or other marginalized groups, may require special protection from violence.¹⁷

Human Rights

Despite the progress in reframing SDGs within a rights-based approach, feminist scholars criticise the SDG regime for failing to truly integrate a rights-based approach. The Women's Major Group (WMG), a network of feminist civil society organisations focusing on gender equality and female empowerment and an active participant in the SDG negotiation process, observes that the SDG framework failed to adequately address human rights issues:

“The SDGs do not fully aim to protect and fulfil human rights for all which should be at the centre of a socially just and ecologically sustainable development agenda as well as the means for achieving it. The recognition of Women's and Girls 'human rights in the title of Goal 5 on gender equality, the human right to food, the right to water and sanitation as a goal, women's rights to decision making on peace and security, the rights of indigenous peoples, and the right for women to control their sexuality free of coercion, discrimination and violence ... amongst others are notably absent.”¹⁸

Critics point to the absence of human rights discourse in the formulation of Goal 5 and its targets. Morrow refers to this as an “arguable devaluation of gender issues by dissociating them from the recognised realm of human rights.”¹⁹ Kabeer acknowledges the combination of a stand-alone dedicated to gender equality/women's empowerment and gender-related targets for other goals, but argues that the current framework is “a watered-down version of feminists demands since the rights perspective is largely missing.”²⁰

¹⁷ The CEDAW Committee has identified intersectionality as a basic concept for the understanding of the scope of States parties 'obligations. General Recommendation 28 of the CEDAW states: Intersectionality is a basic concept for understanding the scope of the general obligations of States parties contained in Article 2. The discrimination against women based on sex and gender is inextricably linked with other factors that affect women. In other words, gender falls under the purview of a prohibited category of discrimination including but not limited to: race, marital status, pregnancy, HIV status, sexual orientation or any other status, attribute or characteristic. A good practice example of an intersectional equal protection clause is Section 15 of the Canadian Charter which affirms: “Every individual is equal before the law and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, color, religion, sex, age, or mental or physical disability.” More recently, the Egyptian Constitution of 2014 covers gender and persons with disability in its equal protection clause: All citizens are equal before the law. They are equal in rights, freedoms and general duties, without discrimination based on religion, belief, sex, origin, race, color, language, disability, social class, political or geographic affiliation or any other.

¹⁸ WMG, Women's 8 Red Flags.

¹⁹ Morrow, *supra*, 170.

²⁰ Nalia Kabeer, 'Gender Equality, the MDGs and the SDGs: Achievements, Lessons and Concerns '(October 01 2015) <<https://www.theigc.org/blog/gender-equality-the-mdgs-and-the-sdgs-achievements-lessons-and-concerns/>>.

III. TARGETS AND INDICATORS OF GOAL 5

A. OVERVIEW

Goal 5 encompasses nine targets and 14 indicators. A wide range of agencies monitor the indicators depending on their areas of competence, including UN Women, World Bank, OECD Development Centre, World Health Organization (WHO), UNICEF, United Nations Population Fund UNFPA, United Nations Office on Drugs and Crime (UNDOC), UNDP, United Nations Statistics Division (UNSD), ILO (International Labour Organisation), FAO (Food and Agriculture Organisation), and ITU (International Telecommunication Union).

B. ANALYSIS AND CRITIQUE OF EACH TARGET

Target 5.1

‘End all forms of discrimination against all women and girls everywhere.’

International human rights law prohibits discrimination on the basis of sex. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) commits States to eliminate discrimination against women, and defines “discrimination against women” as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of imparting 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.”²¹ This definition covers both *de jure* (direct) and *de facto* (indirect) discrimination.

Around the world, more than 2.5 million women and girls are impacted by discriminatory laws and the lack of legal support.²² Gender disparity in laws correlate with lower level of education for girls, fewer female skills workers, fewer women landowners, fewer women accessing financial and health services, and more women threatened with violence.

Indicator 5.1.1 is dedicated to measuring a country’s level of anti-discrimination legislations (“whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex.”)²³ “Legal framework” is defined broadly and covers laws mechanisms, polices and plans to “promote, enforce and monitor” gender equality.²⁴ Specifically, legal frameworks that promote gender equality are those that “establish women’s equal rights with men and entire non-discrimination on the basis of sex,” and legal frameworks that “enforce and monitor” gender equality are those that those that aim at the “realisation of equality and non-discrimination and implementation of laws, such as policies/plans, establishment of enforcement and monitoring mechanisms, and allocation of financial resources.”²⁵

²¹ Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979, entered into force 3 September 1981) art 1, art2.

²² UN Women, ‘Equality in Law for Women and Girls by 2030’ (January 2019) <<https://www.un-women.org/-/media/headquarters/attachments/sections/library/publications/2019/equality-in%20law-for-women-and-girls-en.pdf?la=en&vs=5600>>.

²³ UNSD, ‘Metadata 05-01-01’ <<https://unstats.un.org/sdgs/metadata/files/Metadata-05-01-01.pdf>> accessed 21 November 2020.

²⁴ id.

²⁵ id.

As discussed below, there are two related indicators which also address legal frameworks and policies at the national level: indicator 5.6.2 and indicator 5.a.2. The former measures the number of countries with laws and regulations that guarantee full and equal access to women and men aged 15 years and older to sexual and reproductive health care, information and education, and the latter the proportion of countries where the legal framework guarantees some's equal rights to land ownership and/or control. To avoid duplication, indicator 5.1.1 complements these indicators and covers non-discriminatory laws not addressed by these two indicators.

Assessment of the indicator is performed by participating countries, using a questionnaire of 45 yes/no questions covering 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.²⁶ The areas of law and questions are based on international gender equality instruments, in particular the CEDAW and the Beijing Platform for Action.²⁷ The score (0-100) represents the percentage of achievement of a country in one specific area of law.²⁸ UN Women, World Bank, OECD Development Centre are responsible for the data compiling and global monitoring for this indicator.

The SDG Open Datahub displays the scores of countries with available data. For (i) overarching legal frameworks and public life, four countries (Croatia, El Salvador, Spain, Albania) achieve a full score.²⁹ More than half countries achieve a score higher than 60 in this area.³⁰ The lowest score reported, 9.09, comes from United Arab Emirates.³¹ For (ii) violence against women, only Australia has a full score.³² The lowest score obtained in this area of law is 33.33 (Jordan, Madagascar, United Arab Emirates, United Republic of Tanzania).³³ For (iii) employment and economic benefits, thirteen countries achieve full score.³⁴ More than half countries have a score of 60 or higher.³⁵ One country (Pakistan) scores 0 on this metric.³⁶ For (iv) marriage and family, five countries achieve full score (Costa Rica, El Salvador, India, Kenya, Panama).³⁷ The lowest score is 9.09 from Cameroon.

²⁶ id.

²⁷ id.

²⁸ id., 6.

²⁹ UNSD, 'Indicator 5.1.1: Legal frameworks that promote enforce and monitor gender equality (percentage of achievement 0 - 100) -- Area 1: overarching legal frameworks and public life.' <<https://unstats-undesa.opendata.arcgis.com/datasets/indicator-5-1-1-legal-frameworks-that-promote-enforce-and-monitor-gender-equality-percentage-of-achievement-0-100-area-1-overarching-legal-frameworks-and-public-life-3>> accessed 21 November 2020.

³⁰ id.

³¹ id.

³² UNSD, 'Indicator 5.1.1: Legal frameworks that promote enforce and monitor gender equality (percentage of achievement 0 - 100) -- Area 2: violence against women' <<https://unstats-undesa.opendata.arcgis.com/datasets/indicator-5-1-1-legal-frameworks-that-promote-enforce-and-monitor-gender-equality-percentage-of-achievement-0-100-area-2-violence-against-women-3>> accessed November 21 2020

³³ id.

³⁴ UNSD, 'Indicator 5.1.1: Legal frameworks that promote enforce and monitor gender equality (percentage of achievement 0 - 100) -- Area 3: employment and economic benefits' <<https://unstats-undesa.opendata.arcgis.com/datasets/indicator-5-1-1-legal-frameworks-that-promote-enforce-and-monitor-gender-equality-percentage-of-achievement-0-100-area-3-employment-and-economic-benefits-3>> accessed November 21 2020

³⁵ id.

³⁶ id.

³⁷ UNSD, '<<https://unstats-undesa.opendata.arcgis.com/datasets/indicator-5-1-1-legal-frameworks-that-promote-enforce-and-monitor-gender-equality-percentage-of-achievement-0-100-area-4-marriage-and-family-3>>' <<https://unstats-undesa.opendata.arcgis.com/datasets/indicator-5-1-1-legal-frameworks-that-promote-enforce-and-monitor-gender-equality-percentage-of-achievement-0-100-area-4-marriage-and-family-3>> accessed November 21 2020.

Additional data from UN Women shows that 49 countries still lack laws protecting women from domestic violence.³⁸ In 18 economies, husbands can legally prevent their wives from working.³⁹ In 39 countries, daughters and sons do not have equal inheritance rights.⁴⁰ Additionally, women cannot perform the following activities in the same way or on an equal basis as men⁴¹:

- Apply for a passport in 37 countries
- Inherit equally as a spouse in 36 countries
- Be head of household or family in 31 countries
- Get a job or pursue a trade or profession in 18 countries
- Travel outside their home in 17 countries
- Obtain a national ID card in 11 countries
- Register a business in 4 countries
- Open a bank account in 3 countries

Though not designated as an official data provider, SDG-tracker, a collaborative initiative between the University of Oxford and Global Change Data Lab, also provides data on anti-discrimination laws around the world, which may be relevant for assessing progress made on this target:

- **Area 1: overarching legal frameworks and public life** Data collected up to 2017 indicates that most countries, except for Saudi Arabia, have granted suffrage to women (there is no data on Greenland).⁴² For non-discrimination clause in the constitution, data collected up to 2015 shows that the results are mixed, clearly less ideal than the universal suffrage situation.⁴³ Some countries fall into the clear yes category (“use either the word discrimination or the word nondiscrimination or even when there is a “clawback” provision granting exceptions to the nondiscrimination clause for certain areas of the law, such as inheritance, family and customary law”), while some fall into the no category (“there is no nondiscrimination provision, or the nondiscrimination language is present in the preamble but not in an article of the constitution, or there is a provision that merely stipulates that the sexes are equal, or the sexes have equal rights and obligations”).⁴⁴ Data collected up to 2015 indicate that in most countries, the law does not differentiate between a woman’s and a man’s testimony in terms of its evidentiary value.⁴⁵ A few African and Middle Eastern countries give less weight to a woman’s testimony.⁴⁶

³⁸ UN Women, Turning Promises into Action: Gender Equality in the 2030 Agenda for Sustainable Development, at 2. <<https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2018/sdg-report-fact-sheet-europe-and-northern-america-en.pdf?la=en&vs=3554>>

³⁹ id.

⁴⁰ id.

⁴¹ UN Women, Equality in Law for Women and Girls by 2030, supra.

⁴² Our World in Data, ‘Universal suffrage granted to women, 2017’ <<https://ourworldindata.org/grapher/universal-suffrage-granted-to-women?time=2017>> accessed November 21 2020

⁴³ Our World in Data, ‘Does nondiscrimination clause mention gender in the constitution?, 2015’ <<https://ourworldindata.org/grapher/nondiscrimination-clause-gender?tab=table&time=earliest..latest>> accessed November 21 2020

⁴⁴ id.

⁴⁵ Our World in Data, ‘Does a woman’s testimony carry the same evidentiary weight in court as a man’s?, 2015’ <<https://ourworldindata.org/grapher/testimony-weight-gender>> accessed November 21 2020

⁴⁶ id.

- **Area 2: violence against women** The Tunisian law on violence against women, including domestic violence, passed by the parliament on July 26, 2017, was a landmark step for women's rights.⁴⁷ It was a long time coming and was preceded by a decade long struggle by women to create a normative and legal framework to address violence against women. The law defines violence against women as "any physical, moral, sexual or economic aggression against women based on discrimination between the two sexes and resulting in damage or physical, sexual, psychological or economic suffering to the woman, including threats of such aggression, pressure or deprivation of rights and freedoms, both in public and private life." The law also criminalises sexual harassment in public spaces, and the employment of children as domestic workers. The law includes preventive measures, such as directing the Health Ministry to create programs to train medical staff on how to detect, evaluate, and prevent violence against women and educators on requirements under Tunisian and international law.

The law includes assistance to domestic violence survivors, including legal, medical, and mental health support. The restraining orders against their abusers require the suspected offender to vacate the home, stay away from the victim and their children, and refrain from violence, threats, damaging property, or contacting the victim and are important ways in protect the victim under international law.

Additionally, the law establishes family violence units within Tunisia's Internal Security Forces to process domestic violence complaints and assigning a public prosecutor in each governorate to handle such complaints. The law also prevents mandatory mediation of cases of domestic violence by providing for criminal liability for any official authority who might coerce a woman to drop her complaint or charge.

- **Area 3: employment and economic benefits** Enacting laws that mandate nondiscrimination based on gender in hiring is not a universal practice. Most African countries lack such law; Canada, Russia, and many Middle-East countries also fail to enact such laws.⁴⁸ Data collected between 2013 and 2015 indicates that less than half countries have laws mandating equal pay.⁴⁹ Europe and South America fare better in this metric, while most Asian countries don't have such law.⁵⁰ Most countries have laws that provide for the equal ownership rights for men and women, except for a few South American and African countries.⁵¹
- **Area 4: marriage and family life** In every country in the world, family law is a locus of gender discrimination and magnifies the unequal status of women in the economic sphere. The elimination of discrimination against women in areas of citizenship, marriage, divorce, succession, inheritance, travel, and customary law will have major ramifications on women's lives, their communities and their economies.

Data collected up to 2015 shows that not all countries have legislations that explicitly criminalise marital rape.⁵² Most African and Asian countries don't have such legal protection against rape in

⁴⁷ UN Women, 'Tunisia passes historic law to end violence against women and girls' <<http://www.unwomen.org/en/news/stories/2017/8/news-tunisia-law-on-ending-violence-against-women?>> accessed Aug 7 2021.

⁴⁸ Our World in Data, 'Does the law mandate nondiscrimination based on gender in hiring?, 2015 ' <<https://ourworldindata.org/grapher/law-mandate-nondiscrimination-hiring?time=2015>> accessed June 4 2021

⁴⁹ Our World in Data, 'Does the law mandate equal remuneration for females and males for work of equal value?', 2015 ' <<https://ourworldindata.org/grapher/law-mandate-equal-pay>> accessed June 4 2021

⁵⁰ *ibid.*

⁵¹ Our World in Data, 'Do married men and married women have equal ownership rights to property?', 2015' <<https://ourworldindata.org/grapher/gender-rights-to-property>> accessed June 4 2021

⁵² Our World in Data, 'Does legislation explicitly criminalise marital rape?', 2015 ' <<https://ourworldindata.org/grapher/does-legislation-explicitly-criminalise-marital-rape>> accessed June 4 2021

place.⁵³ Although most countries don't have legal requirements that married women obey their husbands, a few African and Middle Eastern countries still have such provisions in the law requiring a wife's obedience.⁵⁴ Data collected up to 2015 shows that most countries have laws mandating paid or unpaid maternity leave.⁵⁵ U.S., Australia, Suriname, Portugal, and Norway still lack such mandates in their laws.⁵⁶

Efforts Taken at International and National Level

China Between 2015 and 2020, there are several highlights in the promotion of anti-discrimination legislations in China. First, the National Assembly enacted the Anti-Domestic Violence Law in December 2015, which became effective on March 1, 2016.⁵⁷ The law “culminates two decades of intensive lobbying by women's rights groups and the official All China Women's Federation” and “delivers a range of new legal protection measures,” including “China's first statutory definition of domestic violence by national law covering both physical and emotional abuse,” and “forward-thinking prevention measures such as mandatory reporting of abuse and written police warnings against reoffending.”⁵⁸ Second, a 2015 amendment criminalised copulation with girls under the age of 14 as a crime of rape subject to severe punishment.⁵⁹ Third, in 2018, the Department of Civil Affairs issued guidance opinions on practicing autonomous regulations and customs in villages and rural communities.⁶⁰ The opinions emphasized that village and community regulations and autonomous agreements should enforce gender equality.⁶¹ Fourth, in 2019, the Ministry of Human Resources and Social Security published a Circular on Further Regulating Recruitment Activities to Promote Equal Employment for Women. The Circular prohibits discriminatory, gender-based hiring practice and imposes a fine.⁶²

⁵³ *ibid.*

⁵⁴ Our World in Data, 'Are married women required by law to obey their husbands?', 2015 '<<https://our-worldindata.org/grapher/women-required-to-obey-husband>>' accessed June 4 2021

⁵⁵ Our World in Data, 'Does law mandate paid or unpaid maternity leave?', 2015 '<<https://our-worldindata.org/grapher/does-law-mandate-paid-or-unpaid-maternity-leave>>' accessed June 4 2021

⁵⁶ *ibid.*

⁵⁷ China Law Translate, 'Domestic Violence Law 2015' '<<https://www.chinalawtranslate.com/%e5%8f%8d%e5%ae%b6%e5%ba%ad%e6%9a%b4%e5%8a%9b%e6%b3%95-2015/?lang=en>>' accessed August 8, 2021

⁵⁸ Su Lin Han, 'China's New Domestic Violence Law: Keeping Victims Out of Harm's Way?' (2017) https://law.yale.edu/sites/default/files/area/center/china/document/domesticviolence_finalrev.pdf, at 2.

⁵⁹ Ministry of Foreign Affairs of the People's Republic of China, 'China's Progress Report on Implementation of the 2030 Agenda for Sustainable Development' (2017), [http://www.chinadaily.com.cn/specials/China'sProgressReport2\(CN\).pdf](http://www.chinadaily.com.cn/specials/China'sProgressReport2(CN).pdf), 24.

⁶⁰ Ministry of Foreign Affairs of the People's Republic of China, 'China's Progress Report on Implementation of the 2030 Agenda for Sustainable Development' (2019), https://www.fmprc.gov.cn/mfa_eng/topics_665678/2030kcxzfzyc/P020190924780823323749.pdf, 25-26.

⁶¹ *id.*

⁶² Laney Zhang, 'China: Measures Prohibiting Hiring Discrimination Against Women Issued,' (March 15, 2019) '<<https://www.loc.gov/law/foreign-news/article/china-measures-prohibiting-hiring-discrimination-against-women-issued/>>.

Mexico A labor law reform initiative in 2019 proposed that the government should adopt non-judicial mechanisms to reduce sexual harassment in the workplace.⁶³ This reform would require employers to implement protocols to address sexual harassment, and establish a “a pre-judicial state-based conciliation procedure” that allows victims of sexual harassment to seek mediation before making a judicial claim.⁶⁴ In October 2019, the southern state of Oaxaca decriminalised abortion, making it the second state to adopt such legislation.⁶⁵

Egypt In 2016, the Egyptian People’s Assembly approved the amendment to Article 242 of the Penal Code, which now criminalises the act of female genital mutilation (FGM).⁶⁶ Previously, FGM was a misdemeanour and imposed the penalty of imprisonment between three months and two years. In early January 2021, the Egyptian cabinet approved amendments to the 2016 law, increasing the prison sentence up to 20 years in case of the victim's death. The amended law sets a minimum of five years in prison for removing, modifying or mutilating a part of a female's genitals. Moreover, medical personnel carrying out the illegal practice could be sentenced to up to 10 years in prison.

On the national level, there are several strategy initiatives that set out aspirational goals aiming to reduce gender discrimination. In 2015, Egypt launched the “Sustainable Development Strategy: Egypt Vision 2030,” a national implementation framework for the SDGs.⁶⁷ The strategy sets out a “Developing the Legal and Governance Framework” program which plans to amend articles of the Egyptian Penal Code “that relate to all aspects of violence against women.”⁶⁸ This is regarded as a positive change, but still fails to “announce plans to adopt comprehensive equality legislation” and “specify clear implementation mechanisms.”⁶⁹

In 2017, the government also launched the National Strategy for the Empowerment of Egyptian Women 2030. This strategy was intended to complement the 2015 Development Strategy with a focus on gender development. This strategy is criticised as being paternalistic and patriarchal, as one of its objective statement asserts that women require social support to be able to “contribute to the development of the nation, without compromising their family duties.”⁷⁰

Since 2010, the World Bank has issued eight *Women, Business and the Law* reports, which measure global progress towards gender equality under the law. The World Bank’s 2020 Women, Law and Business Report shows that CHECK THE STATS: from 2016-2018, 65 economies have carried out 87 reforms [to promote women’s economic rights]. Despite these reforms, according to the Report, 104 economies still have legal barriers to women’s employment due to their gender, nearly 60 economies have no laws on sexual harassment in the workplace. According to the World Bank, 2.7 billion women have restrictions from the same choice of employment that men are employed in.

⁶³ Paulina Madero Suárez Español, ‘Workplace sexual harassment in Mexico: towards gender-transformative remedies’ (July 21 2020) <<https://www.openglobalrights.org/workplace-sexual-harassment-mexico-gender-transformative-remedies/>>.

⁶⁴ id.

⁶⁵ Human Rights Watch, ‘Mexico: Events of 2019’ <<https://www.hrw.org/world-report/2020/country-chapters/mexico>> accessed June 4 2021.

⁶⁶ UN Women, Amendment Penal Code (Criminalization of Act of Female Genital Mutilation), <<https://evaw-global-database.unwomen.org/en/countries/africa/egypt/2016/amendment-penal-code-criminalization-of-act-of-female-genital-mutilation>> accessed December 22 2020.

⁶⁷ Equal Rights Trust, ‘A Past Still Present: Addressing Discrimination and Inequality in Egypt’ (December 2018) <https://www.equalrightstrust.org/sites/default/files/ertdocs/Egypt_EN_online.pdf>.

⁶⁸ id.

⁶⁹ id., 89-90.

⁷⁰ id., 91.

In 18 countries across the world, husbands can legally prevent their wives from working. The OECD estimates gender-based discrimination in laws in the Middle East and North Africa (MENA) region costs US\$575 billion (\$779.30 billion) a year. The McKinsey Global Institute report on “The Power of Parity” examines how a “best in region” scenario in which all countries match the rate of improvement of the fastest-improving country in their region could add as much as \$12 trillion, or 11 percent, in annual 2025 GDP. In a “full potential” scenario in which women play an identical role in labor markets to that of men, as much as \$28 trillion, or 26 percent, could be added to global annual GDP by 2025. Gender equality by 2030 calls for the removal of gender discriminatory laws on the books and the elimination of the underlying causes of discrimination that still impede women’s rights in the private and public spheres.

Though legal gender parity has improved around the world, major differences persist. Many laws and regulations continue to discriminate against women and impede women’s well-being and that of their families. Gender equality by 2030 requires urgent action to eliminate the many root causes of discrimination that still curtail women’s rights in private and public spheres. For example, discriminatory laws need to change and legislation adopted to proactively advance equality. Yet 49 countries still lack laws protecting women from domestic violence, while 39 bar equal inheritance rights for daughters and sons.

The elimination of discrimination against women in areas of citizenship, marriage, divorce, succession, inheritance, travel, and customary law will have major ramifications on women’s lives, their communities and their economies. In many countries such as Egypt, Jordan and Libya, women must still get permission from their husbands or fathers to work. Unfair inheritance laws disadvantage women in starting a business or seeking a loan and often impoverish women and their families. Labor laws that restrict women’s working hours and the sectors they can work in also segregate women, restrict their economic agency and reinforce stereotypes and expectations that women are primary caregivers who should shoulder housework and child care, impact women’s choice of economic participation and employer’s decisions to hire them. Discrimination in marriage and divorce impact a woman’s rights to economic participation and reinforces an unequal playing field for women. In terms of economic costs, just one example of inequality, Child marriage costs over 60 billion dollars a year and is an enormous barrier to global development.

What More Need to be Done: Some Case Studies

Despite progress, systemic legal discrimination against women negatively impacts sustainable development. The majority of directly discriminatory laws in force relate to the family, including constraining a woman’s right to marry, when to marry, whom to marry, and discriminatory marital practices such as “wife obedience” and polygamy.

Article 1 of CEDAW provides a definition of discrimination against women on the basis of sex and define discrimination as: “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment and 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”. Article 2 calls upon States who have ratified the Convention “to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women”.

Polygamy

In several countries, Polygamy is allowed in law. The Committee on the Elimination of Discrimination against Women in its Concluding Observations and in its General Recommendation 21, paragraph 14. General Recommendation 29 have found that polygamous marriages discriminate against women and recommend their prohibition. Polygamy places women and girls at greater risk of contracting HIV/AIDS. It also risks excluding additional wives from asserting their marital and inheritance rights.

Countries like Algeria, Tanzania, and Gabon still legally permit polygamy. According to Article 8 of the Family Code of Algeria, a male is allowed to contract marriage with more than one wife within the limits of the Sharia, if there is a just ground and the conditions and intentions of equity can be fulfilled.”⁷¹ Polygamous marriages are recognized in Tanzania too and according to the Marriage Act. Section 10(1), monogamous marriages can also be converted to polygamous unions.⁷² In Gabon, Article 177 of the Family Law states the spouses make the choice on monogamy or polygamy.⁷³ Despite this choice in the law, most often given the power differentials, it will be men who will make the decisions as to the form of marital relations. Moreover, according to Article 178, “the spouses may, during the marriage, renounce the option of monogamy.”⁷⁴ Although this waiver is made by a joint declaration before a notary or a civil registry officer who has previously heard the couple separately, given the social, economic and political power differentials between men and women, it is unlikely that will be a non- discriminatory renouncement.

Guardianship

The male guardianship system is the most significant impediment to realizing women’s rights and it effectively renders adult women legally incompetent minors without agency or decisionmaking powers. In Algeria, according to article 11 of the Family Code, an adult woman concludes her marriage contract in the presence of her “wali” who is her father or close male relative or any other male of her choice.... It is equally temporarily prohibited... Article 30 of the Family Code also prohibits the marriage of a Muslim woman with a non-Muslim man. Saudi Arabia’s guardianship laws legalize discrimination and render women minors in the eyes of the law. A recent Saudi directive to government offices attempted to attenuate some of the most restrictive forms of the current guardianship regime in Saudi Arabia. The directive ruled that women could no longer be denied access to government services if they do not have a male guardian’s permission. However, even with the new directives, women still need guardian approval if they wish to travel abroad, get a passport. The directive is limited to the public sector and the permission of the guardianship for work in the private sector are still in place.

Husband Obedience

Obedience in return for maintenance finds its source in customary Islamic marriage contracts. Obedience in exchange for financial support allows women to be commodified and gives husband’s power and control over their spouses. Several countries still maintain husband obedience provisions in the legal system. According to the Family Code of Algeria-Article 39(1), the wife is required to obey her husband and grant him respect as the head of the family¹⁶. Not only is the wife called upon to obey her husband but she must also according to Article 39(3) of the Family Code respect the parents and relatives of her husband. Although Chile does not include a husband obedience principle, a similar provision according to Chile’s Civil Procedure Code’s article 829-832, provides

⁷¹ Algeria, Family Code, Article 8. See UN Women’s Family Law Database.

⁷² Tanzania, Marriage Act, Section 10(1). See UN Women’s Family Law Database.

⁷³ Gabon, Family Law, Article 177. See UN Women’s Family Law Database.

⁷⁴ Gabon, Family Law, Article 178. See UN Women’s Family Law Database.

that married women need their husband's or judge's authorization to litigation. Bank accounts In Gabon, women still need the permission of a guardian or husband to open a bank account. According to Article 257 of the Civil Code although a woman may, on her own signature, open a special current account to deposit or withdraw funds reserved for the household, the opening of this account must be notified by the custodian to the husband.

Customary laws

Customary law has most impact in the area of personal law in regard to matters such as marriage, inheritance and traditional authority. In Botswana, according to the succession rights of the surviving spouse and inheritance and family provisions, the customary law has precedence over other laws in regulating inheritance.

Even in South Africa, where the Constitution states that customary law must be consistent with the Bill of Rights, Section 17 of the Children's Act states that a Minister or any officer in the public service authorized in writing thereto by him or her, may grant written permission to a person under the age of 18 years to enter into a customary marriage if the Minister or the said officer considers such marriage desirable and in the interests of the parties in question". Moreover, the South African Children's Act. Section 12(5) disallows virginity testing of children under the age of 16. The assumption here is that virginity testing is allowed for women and girls over the age of 16. 6.

In 2011, the Lebanese parliament repealed article 562 of the Penal Code, the provision that had reduced the sentence for "honor" crimes. Mobilized by these revisions, women's groups pressed for other reform. Combating honor crimes laws open up space for reform in other areas, including, the following: 1) In 2009, the Association of Banks in Lebanon decided to allow women, for the first time, to open bank accounts for their underage children, independent of the father's legal consent; 2) In 2014, parliament enacted Law no. 293 on domestic violence; 3) and in late 2016, a parliamentary subcommittee approved a bill to abolish article 522 of the Penal Code, which allowed the prosecution to drop charges against a rapist if he marries his victim.

Fornication is a term for consensual sexual intercourse between two people who are not married to each other and women are punished for sexual intercourse outside of marriage. For example, in Comoros, according to the Penal Code of Article 331, the fornication resulting from the flagrante delicto according to the Koranic law may be punished by a sentence of one month to one year of imprisonment and a fine of 20,000 to 150,000 francs or only one of these two penalties. The unmarried woman, who becomes pregnant because of fornication is liable to the same penalties.

Nationality Laws

Nationality laws in over twenty countries (The Bahamas, Bahrain, Barbados, Brunei, Burundi, Iran, Iraq, Jordan, Kiribati, Kuwait, Lebanon, Liberia, Libya, Malaysia, Mauritania, Nepal, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Swaziland, Syria, Togo, United Arab Emirates) worldwide prevent mothers from passing their nationality to their children on an equal basis with fathers. More than double that number of states disallow women equal rights with men in their ability to acquire, change and retain their nationality, and to confer nationality to non-national spouses. Nationality laws that discriminate on the basis of gender are in violation of Article 9 of the CEDAW, which calls upon states to guarantee equal nationality rights to women. When a State denies equal nationality rights to women and men, it creates a category of second class citizens and when children are unable to acquire their parents' nationality, it leads to statelessness. Gender discrimination in nationality laws restrict a child's access to public education and health care. Unequal nationality laws

also impede access to driver's licenses, bank accounts and access to social welfare programs. Gender discrimination in nationality laws can contribute to gender-based violence as women are forced to remain in violent relationships because of fear of being rendered stateless. The Sierra Leone Citizenship Act is discriminatory in both sex and race. Under the Citizenship Act 1973, one can be a citizen by birth if his father or grandfather was born in Sierra Leone before 19 April 1961 or 24.

One of the most important law reform initiatives in the recent past was the Canadian Senate approval of legislation in 2017, to amend a 141-year-old law that has prevented indigenous women and their descendants from obtaining the same rights allotted to indigenous men, including some tax breaks, the ability to vote for indigenous governments, access to land on reserves and expanded health care coverage, but most of all to pass citizenship rights to their progeny. Under the Indian Act of 1876, if a female member of the First Nation, married a non-indigenous man, then she would lose her First Nation status as well as the right to pass down said status to her children. Male members of the First Nation, however, were not subject to such limitations. Another recent reformist initiative was seen in Jordan. The Jordanian Nationality Law does not allow Jordanian women married to foreign-born spouses to pass on their nationality to their spouses and children. In 2014, the cabinet directed government ministries to grant special privileges to non-citizen children of Jordanian women, including public education and access to public health services. These privileges are unfortunately restricted and apply to children whose mothers have resided in Jordan for a minimum of five years.

Critique

As shown, a close reading of the laws around the world reveal that there is much more to be done in revision discriminatory laws. Target 5.1 assesses the number of anti-discriminatory laws in place, but does not consider the indirect consequences of gender neutral laws. Other factors, like social norms and judicial interpretation of the law may also affect the extent to which women can actually benefit from legal reforms.

In addition, eliminating *de jure* gender discrimination is only the first step to eradicating “all forms of discrimination”; *de facto* discrimination still persists in almost all areas of a woman's life, but is glaringly absent in Target 5.1. Conceivably, *de facto* discrimination is difficult to define and properly measure, but a qualitative indicator that commits stakeholders to adopt policies and campaigns to end *de facto* discrimination can at least increase the awareness of this problem.

Target 5.2

‘Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.’

Target 5.2 is dedicated to the eradication of violence against women. Violence against women is a human rights issue; it imposes negative consequences on a woman's physical, mental, sexual, and reproductive health, and may increase the risk of contracting HIV in some cases.⁷⁵ It is also a social plague, impacting a victim's families and communities and imposing substantial social and eco-

⁷⁵ WHO, ‘Violence against women ’(9 March 2021) <<https://www.who.int/news-room/fact-sheets/detail/violence-against-women>>.

conomic costs. The global cost of violence against women and girls, taking into account public, private and social cost, is estimated at US \$1.5 trillion, about 2 per cent of global gross domestic product (GDP).⁷⁶

There are a number of international legal frameworks in place that address gender-based violence. The CEDAW, though not explicitly mentioning the term, includes violence against women as a form of discrimination.⁷⁷ The 1993 Declaration on the Elimination of Violence against Women is the first international instrument to explicitly address violence against women and provides a framework for international and national actions. The 1995 Beijing Platform for Action lists ending violence as one of the areas for priority actions, and identifies specific actions for governments to take.⁷⁸

Target 5.2 encompasses two indicators, one for intimate partner violence (IPV) (5.2.1) and the other for non-intimate partner violence (5.2.2). Indicator 5.2.1 measures the proportion of ever-partnered women and girls aged 15 years and older subjected to physical, sexual or psychological violence by a current or former intimate partner in the previous 12 months.⁷⁹ It covers any abuse perpetrated by a current or former partner within the context of marriage, cohabitation or any other formal or informal union.⁸⁰ Three different forms of violence are included:

- physical violence: any act that is “aimed at physically hurting the victim and include, but are not limited to acts like pushing, grabbing, twisting the arm, pulling hair, slapping, kicking, biting or hitting with a fist or object, trying to strangle or suffocate, burning or scalding on purpose, or threatening or attacking with some sort of weapon, gun or knife.”
- sexual violence: “any sort of harmful or unwanted sexual behaviour that is imposed on someone, whether by use of force, intimidation or coercion. It includes acts of abusive sexual contact, forced engagement in sexual acts, attempted or completed sexual acts without consent, non-contact acts such as being forced to watch or participate in pornography, etc. In intimate partner relationships, sexual violence is commonly defined as: being physically forced to have sexual intercourse, having sexual intercourse out of fear for what the partner might do or through coercion, and/or being forced to do something sexual that the woman considers humiliating or degrading.”
- psychological violence (*not reported on, see below critique): “any act intended to induce fear or emotional distress caused by a person’s behaviour or act. It includes a range of behaviours that encompass acts of emotional abuse such as being frequently humiliated in public, intimidated or having things you care for destroyed, etc. These often coexist with acts of physical and sexual violence by intimate partners. In addition, surveys often measure controlling behaviours (e.g., being kept from seeing family or friends, or from seeking health care without permission).”⁸¹

Data is provided by individual countries, which gather the relevant information through (1) specialised national surveys used for measuring violence against women, (2) violence against women

⁷⁶ UN Women, ‘COVID-19 and Ending Violence Against Women and Girls ’<<https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2020/issue-brief-covid-19-and-ending-violence-against-women-and-girls-en.pdf?la=en&vs=5006>> accessed May 26 2021.

⁷⁷ The CEDAW Committee, ‘CEDAW General recommendation No. 19: Violence against women, General Comments 6 ’(1992) <https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_3731_E.pdf>.

⁷⁸ Beijing Declaration and Platform for Action

⁷⁹ UNSD, ‘Metadata 05-02-01 ’<<https://unstats.un.org/sdgs/metadata/files/Metadata-05-02-01.pdf>>

⁸⁰ id.

⁸¹ id.

models that are added to household surveys, and (3) victimisation surveys.⁸² Data compilers include UNICEF, UN Women, UNODC, UNFPA, UNSD, and WHO.⁸³

Surveys conducted from 2000 to 2018 in 106 countries shows that 18 per cent of women and girls 15 to 49 years of age experienced violence by a current or former partner in the 12 months prior to the survey.⁸⁴ This translates to 243 million of women and girls in absolute number. These numbers have not reflected the impact of COVID-19, which has greatly increased the risk of IPV for many women and girls. The pandemic has slowed down or even erased some of the progress already achieved on this target, as many countries have instituted lockdown measures, and many women and girls are thus confined to their homes with abusive partners, leading to an increase of domestic violence against women and girls. Social isolation and economic insecurity also contributed to the higher risk of IPV. In France, reports of domestic violence have increased by 30 per cent since the lockdown on March 17, 2020.⁸⁵ Cyprus and Singapore reported a 30 per cent and 33 per cent increase in helpline calls, respectively.⁸⁶ In Argentina, emergency calls for domestic violence increased by 25 per cent since the lockdown in March 2020.⁸⁷ A survey of front-line workers in Australia reveals increased requests for help by survivors, and an increased level of complexity of the cases received.⁸⁸ A police station in Jingzhou, China recorded a triple number of domestic violence cases in February 2020 compared to the same period the previous year.⁸⁹ In the U.K., during the first week of lockdown, there was a 25 per cent increase in phone calls to the National Domestic Abuse Helpline and a 150 per cent increase in visits to the Helpline website.⁹⁰ In the U.S., the Seattle Police Department reported a 21 per cent increase in domestic violence in March 2002.⁹¹

Indicator 5.2.2 measures the proportion of women and girls aged 15 years and older subjected to sexual violence by persons other than an intimate partner in the previous 12 months.⁹² This indicator uses the same definition of sexual violence as used by indicator 5.2.1, but in most of the surveys, sexual violence is limited to “forcing someone into sexual intercourse when she does not want to, as well as attempting to force someone to perform a sexual act against her will or attempting to force her into sexual intercourse.”⁹³ Similar to indicator 5.2.1, data are collected from individual countries based on specialised national surveys dedicated to measuring violence against women, and international household surveys that include a module on experiences of violence by women.⁹⁴ However, compared with indicator 5.2.1, available data for indicator 5.2.2 is far from adequate: many of the surveys do not assess non-partner sexual violence; data from different countries are not necessarily comparable, and many are not collected on a regular basis.⁹⁵ Data compilers are UN Women, UNICEF, UNSD, WHO, and UNFPA.

⁸² *id.*

⁸³ *id.*

⁸⁴ UNSD, ‘The Sustainable Development Goals Report 2020’ <<https://unstats.un.org/sdgs/report/2020/goal-05/>> accessed May 26 2021.

⁸⁵ UN Women, COVID-19 and Ending Violence Against Women and Girls, *supra*.

⁸⁶ *id.*

⁸⁷ *id.*

⁸⁸ *id.*

⁸⁹ UN Women, ‘Justice for Women Amidst COVID-19’ <<https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2020/justice-for-women-amidst-covid-19-en.pdf?la=en&vs=5442>> at 19. Accessed May 26 2021.

⁹⁰ *id.*, at 19.

⁹¹ *id.*

⁹² UNSD, ‘Metadata 05-02-02’ <<https://unstats.un.org/sdgs/metadata/files/Metadata-05-02-02.pdf>>

⁹³ *id.*

⁹⁴ *id.*

⁹⁵ *id.*

Comparable data are available for a sample of women and girls aged 15 to 49 for 37 low- or middle-income countries.⁹⁶ Vanuatu reported the highest prevalence of non-partner violence in 2009, at 33 per cent.⁹⁷ This was followed by Australia in 2007, with a proportion of 27 per cent. Region-wise, Africa had the lowest average of reported non-partner violence.⁹⁸ The actual number of women and girls affected is likely to be higher, given the stigma and under-reporting of this type of sexual violence⁹⁹.

Trafficking and Sexual Exploitation Women and girls are more likely to become victims of trafficking and sexual exploitation. These forms of violence are not assigned official indicators, but there are some available data that illustrate how these issues are affecting women and girls. A UNDOC report shows that in 2018, for every 10 trafficking victims detected globally, 5 are adult women and two are girls (totalling 70 per cent of all human trafficking victims).¹⁰⁰ Women and girls are usually trafficked for the purpose of domestic servitude.¹⁰¹ Girls accounted for more than three out of every four child trafficking victims.¹⁰² Most cases of trafficking within high-income countries involve sexual exploitation of girls or young women.¹⁰³

To combat human trafficking, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children entered into force in 2003. It is “the first global legally binding instrument with an agreed definition on trafficking in persons” and aims to enhance global cooperation in the investigation and prosecution of human trafficking.¹⁰⁴

Efforts Taken at International and National Level

China As illustrated in the Target 5.1 section, one of the most significant developments for China in combating gender-based violence is the enactment of the first anti-domestic violence law in 2016. (See section 5.1). Despite the enactment, activists critiqued the law for failing to provide support to victims, and criminalise intra-marital rape.¹⁰⁵

In June 2020, the city of Yiwu, Zhejiang Province became the first city in China to allow people getting married to review whether their partner had a history of domestic violence. The city rolled out a domestic violence database that would “include information on convicted abusers across China as well as those subjected to restraining orders or detention since 2017.”¹⁰⁶ It would include people charged with domestic violence against their partners, older people, and siblings.¹⁰⁷ This

⁹⁶ Visit <https://genderstats.un.org/#/home>, click on quantitative data, then select human rights of women and girl children, then select indicator 48 to view the data.

⁹⁷ *id.*

⁹⁸ *id.*

⁹⁹ UN Women, ‘Facts and figures: Ending violence against women’ <<https://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures#notes>> accessed May 28 2021.

¹⁰⁰ UNDOC, ‘Global Report on Trafficking in Persons 2020’ <https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP_2020_15jan_web.pdf> at page 4. Assessed May 26 2021.

¹⁰¹ *id.*

¹⁰² UNDOC, ‘Global Report on Trafficking in Persons 2018’ <https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTiP_2018_BOOK_web_small.pdf> accessed June 04 2021.

¹⁰³ *id.*

¹⁰⁴ United Nations Convention against Transnational Organized Crime and the Protocols Thereto <<https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>>

¹⁰⁵ Freedom House <<https://freedomhouse.org/country/china/freedom-world/2021>>

¹⁰⁶ Sui-Lee Wee, ‘For Those Getting Married, a Searchable Domestic Violence Database’ <<https://www.ny-times.com/2020/06/25/world/asia/china-domestic-violence-database-marriage.html>>

¹⁰⁷ *id.*

measure was welcomed by the public, yet some have express concerns on the protection of personal privacy.¹⁰⁸

Human trafficking remains a significant problem in China. One of the major achievements came from the 2015 Ninth Amendment to the Criminal Law. Prior to the Ninth Amendment, a purchaser of an abducted woman or child might be exempt from criminal punishment if the purchaser did not prevent the abductee from returning home, or maltreat the child or obstruct the child's rescue.¹⁰⁹ The Ninth Amendment removed this exemption, providing that such purchaser is still criminally punishable, but may receive a lighter sentence.¹¹⁰

Egypt Gender-based violence remains an acute problem in Egypt. Most progress in this area achieved since 2015 came from the Nation Council Women (NCW), other governmental agencies, and independent women's rights organisations. In 2015, the NCW, in collaboration with other governmental and non-governmental organisations, launched the 2015-2020 National Strategy for Combating Violence Against Women (NSVAW).¹¹¹ The NSVAW employs a four-pillar approach to combat violence against women.¹¹² The four pillars stated in NSVAW are prevention, protection, intervention, and legal procedures.¹¹³ In 2017, then President declared 2017 the year of the Egyptian Women and adopted the National Strategy for the Empowerment of Egyptian Women 2030, which aims to "eliminate the negative phenomena and harmful practices that threaten the life, safety, and dignity of women."¹¹⁴

From 2015 to 2018, the NCW conducted multiple national campaigns involving local communities, which sought to promote national awareness of the importance of combating and reporting cases of violence against women, and providing victim services.¹¹⁵ Between March 2017 and March 2018, the door-to-door campaign reached an estimated 2 million women.¹¹⁶ In 2016, the Central Agency for Public Mobilisation and Statistics published for the first time a national survey of measuring the prevalence of gender-based violence experienced by women and girls aged 18-64 years old.¹¹⁷ In May 2017 and 2018, the NCW and the Public Prosecution Office conducted a training program for 200 family female assistant prosecutors.¹¹⁸

In August 2020, the Egyptian parliament approved amendments to the Criminal Procedural Code, which aimed to provide anonymity and protect the identities of sexual violence victims, and to punish those who disclose such information.¹¹⁹ In March 2021, the NCW launched a COVID-19 response program, which would aim to increase the awareness and provide protection and response

¹⁰⁸ BBC News <<https://www.bbc.com/zhongwen/simp/chinese-news-53189383>>

¹⁰⁹, Training Related to Combating Human Trafficking: China. '<https://www.loc.gov/law/help/human-trafficking/china.php#_ftn2>

¹¹⁰ id.

¹¹¹, The National Strategy for Combating Violence against Women. '<<https://learningpartnership.org/sites/default/files/resources/pdfs/Egypt-National-Strategy-for-Combating-VAW-2015-English.pdf>>

¹¹² id.

¹¹³ id.

¹¹⁴, Egypt Gender Justice & The Law '(2018) <<https://www2.unwomen.org/-/media/field%20office%20arab%20states/attachments/publications/2018/gender%20justice%20and%20the%20law%20in%20the%20arab%20region/country%20assessments/egypt%20country%20assessment%20-%20english.pdf?la=en&vs=3438>>, page 11.

¹¹⁵ id, and <https://www.usaid.gov/egypt/democracy-human-rights-and-governance/safe-cities-free-violence-against-women-and-girls>.

¹¹⁶ Egypt Gender Justice & The Law, supra.

¹¹⁷ Egypt Gender Justice & The Law, supra, 13.

¹¹⁸ id.

¹¹⁹ Human Rights Watch, 'Human Rights Watch Submission to the Committee on the Elimination of Discrimination against Women on Egypt' 'fn 12, <https://www.hrw.org/news/2020/10/13/human-rights-watch-submission-committee-elimination-discrimination-against-women#_ftn12>

services to women and girls who experience or are at risk of violence especially within COVID-19 context.¹²⁰ In the same month, the NCW and UN Women launched a hackathon on social media platforms, which aimed at encouraging digital solutions to gender-based violence.¹²¹

Mexico Violence against women and girls remains a prevalent problem in Mexico, despite some progress over the year.

In February 2017, the Ministry of Foreign Affairs hosted an event, focusing on “the sharing of first-hand knowledge among practitioners towards comprehensive, multi-sectoral and human rights-based approaches to prevent and respond to sexual harassment and other forms of sexual violence against women and girls in public spaces.”¹²² By the end of 2018, Mexico City and four states have passed legislations criminalizing the circulation of “revenge pornography” and sex extortion.¹²³ Individuals who distribute imitate images, audio, videos or texts may be prosecuted, and may face imprisonment ranging from six months to four years.¹²⁴

In August 2019, the Supreme Court ruled that rape victims could access abortion services without filing a criminal complaint, and health care providers could provide abortion services without having to verify a crime was committed.¹²⁵ In the same month, there were a series of large demonstrations in response to reports of rapes committed by Mexico City police officers.¹²⁶ In November, the Mexico City’s government pledged to increase budget for women’s care centres, and the federal government announced an action plan to reduce gender-based violence and promote gender equality.¹²⁷

In April 2020, Mexico joined Bolivia in an effort to combat violence against women in politics.¹²⁸ It amended eight national legislations to include provisions to prevent and prosecute violence against women in politics.¹²⁹ The government has also created a National Registry of Sanctioned Persons for Violence against Women in Politics and adopted measures such as cancelling candidacies of perpetrators of gender-based violence.¹³⁰

¹²⁰ Egypt Today, ‘Egypt’s NCW launches new program for women’s financial empowerment in countryside ’ (March 10 2021) <<https://www.egypttoday.com/Article/1/99526/Egypt%E2%80%99s-NCW-launches-new-program-for-women%E2%80%99s-financial-empowerment-in>>.

¹²¹ Doaa A.Moneim, ‘StartEgypt, NCW, UN Women launch digital hackathon aiming to offer solutions to fight violence against women ’ (March 3 2021) <<https://english.ahram.org.eg/NewsContent/1/64/405248/Egypt/Politics-/StartEgypt,-NCW,-UN-Women-launch-digital-hackathon.aspx>>

¹²² UN Women, ‘Mexico City hosts global forum on safe cities for women and girls ’ (February 21 2017) <<https://lac.unwomen.org/en/noticias-y-eventos/articulos/2017/02/announcer-mexico-city-hosts-global-forum-on-safe-cities>>.

¹²³ Department of State, ‘Mexico 2019 Human Rights Report ’ <<https://www.state.gov/wp-content/uploads/2020/02/MEXICO-2019-HUMAN-RIGHTS-REPORT.pdf>> accessed June 4 2021.

¹²⁴ id.

¹²⁵ Human Rights Watch, ‘Mexico Events of 2019 ’ <<https://www.hrw.org/world-report/2020/country-chapters/mexico#49dda6>> accessed June 04 2021.

¹²⁶ Freedom House, ‘Freedom in the World 2020 Mexico’ <<https://freedomhouse.org/country/mexico/freedom-world/2020>> accessed August 8 2021

¹²⁷ id.

¹²⁸ UN Women, ‘Mexico joins Bolivia in efforts to stop violence against women in politics ’ (March 18 2021) <<https://www.unwomen.org/en/news/stories/2021/3/feature-mexico-joins-bolivia-in-efforts-to-stop-violence-against-women-in-politics>>.

¹²⁹ id.

¹³⁰ id.

EU The EU made significant efforts to combat gender-based violence both within Europe and around the world.

In 2017, the EU signed the Council of Europe Convention on preventing and combating violence against women and domestic violence, the ‘Istanbul Convention’, which is the human rights treaty at the pan-Europe level designed to end violence against women and domestic violence.¹³¹ In the same year, the EU launched the NON.NO.NEIN. campaign to raise awareness of gender-based violence.¹³² It made available €15 million to 12 national authorities and 32 grass roots projects for the development and implementation of awareness-raising and education activities.¹³³ It organized an EU-wide conference on violence against women with Malta's EU Presidency in February.¹³⁴

In August 2019 at the G7 Biarritz Summit, the EU announced its support to the Initiative for Survivors of Conflict-Related Sexual Violence, and committed to allocating €2 million to support the development of an international reparations system for conflict-related sexual violence.¹³⁵ During 2018 and 2019, the EU allocated an estimated €52 million in humanitarian aid to the prevention and response to sexual violence.¹³⁶ In 2019, it contributed €133.7 million to programs in the Caribbean, Central Asia and the Sub-Saharan African region that aimed at the elimination of violence against women and girls.¹³⁷

In March 2020, the European Commission presented the Gender Equality Strategy 2020-2025. The goals of the Strategy include ending gender-based violence, providing support and protection to the victims, and hold perpetrators accountable. Under the Strategy, the Commission pledges to develop and finance measures to tackle forced sterilization and forced abortion, and to provide education and training on violence prevention.

To address violence in the workplace, the Commission will encourage Member States to “ratify the International Labour Organisation (ILO) Convention on combating violence and harassment in the world of work 21, implement the existing EU rules 22 on protecting workers from sexual harassment, and raise people’s awareness of them.”¹³⁸ In light of increasing online violence and bullying against women, the Commission will propose the Digital Services Act to clarify online platforms’ responsibilities with regard to user-disseminated content.¹³⁹ It will also conduct an EU-wide survey to gather data on the prevalence and dynamics of violence against women and other forms of interpersonal violence.

The EU also announced in the Commission Work Program 2021 that it intends to make a new legislative proposal to prevent gender-based violence and domestic violence.¹⁴⁰ The proposal will aim to

¹³¹ European Commission, ‘Ending gender-based violence’ <https://ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-equality/gender-based-violence/ending-gender-based-violence_en> accessed June 04 2021.

¹³² European Commission, ‘Non.No.Nein. Say No! Stop Violence Against Women!’ <<https://ec.europa.eu/justice/saynostopvaw/eu-actions.html>> accessed June 04 2021.

¹³³ id.

¹³⁴ id.

¹³⁵ European Union External Action, ‘Annual Report on Human Rights and Democracy in the World 2019,’ <https://eeas.europa.eu/sites/default/files/annual_report_e-version.pdf> accessed August 8 2021

¹³⁶ id.

¹³⁷ id.

¹³⁸ <<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0152>>

¹³⁹ id.

¹⁴⁰ <https://ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-equality/gender-based-violence/ending-gender-based-violence_en>

ensure a minimum level of protection across the EU and strengthen the actions taken by the Member States.¹⁴¹

World Bank The World Bank’s contribution to combating gender-based violence is mainly achieved through supporting international development projects.

In March 2015, the World Bank launched a Global Platform on Sexual and Gender Based Violence, which sought to “facilitate South-South knowledge sharing through workshops and yearly learning tours, foster increased cross practice collaboration at the World Bank, build evidence on what works to prevent SGBV, and provide quality services to women, men and child survivors.”¹⁴² In October 2016, it launched a Global Gender-Based Violence (GGBV) Task Force, which would “build on existing World Bank and other work to tackle violence against women and girls, advising on strengthened approaches to identifying threats and applying lessons in World Bank projects to prevent and respond to sexual exploitation and abuse.”¹⁴³ Building on the Task Force’s recommendations, the World Bank released an Action Plan in November 2017, which includes administrative and operational measures being adopted to help prevent and respond appropriately to incidences of sexual exploitation and abuse, and other forms of gender-based violence in World Bank supported projects.¹⁴⁴ It also developed a GBV risk assessment tool to assess contextual and project-related risks.¹⁴⁵ In 2017, the World Bank also approved a \$40 million equivalent International Development Association credit to Uganda for the Strengthening Social Risk Management and Gender-Based Violence (GBV) Prevention and Response Project.¹⁴⁶ This project aimed to support the implementation of Uganda’s national policy on the elimination of gender-based violence and to help strengthen systems for managing social risk in development projects.¹⁴⁷ It also approved the Santa Cruz Road Corridor Connector Project, which would use a three-pronged approach to address potential gender-based violence, and a Grievance Redress Mechanism that includes a specific mandate to address any kinds gender-based violence.¹⁴⁸ In May, it announced an investment of \$3.5 million over five years in innovations designed to prevent and respond to gender-based violence.¹⁴⁹

In August 2018, it committed \$100 million to support a Gender-Based Violence Prevention and Response Project in the Democratic Republic of the Congo, which aimed to provide help to survivors of gender-based violence.¹⁵⁰ In November 2020, the World Bank announced that it would introduce

¹⁴¹ *id.*

¹⁴² World Bank, ‘A South-South Learning Tour Explores How to Put an End to Sexual and Gender Based Violence’ (August 11 2015) <<https://www.worldbank.org/en/news/feature/2015/08/11/a-south-south-learning-tour-explores-how-to-put-an-end-to-sexual-and-gender-based-violence>>.

¹⁴³ World Bank, World Bank Launches Global Task Force to Tackle Gender-Based Violence (October 13 2016) <<https://www.worldbank.org/en/news/press-release/2016/10/13/world-bank-launches-global-task-force-to-tackle-gender-based-violence>>.

¹⁴⁴ World Bank, New Action Plan Addresses Gender-Based Violence in World Bank Operations (November 8 2017) <<https://www.worldbank.org/en/news/press-release/2017/11/08/new-action-plan-addresses-gender-based-violence-in-world-bank-operations>>.

¹⁴⁵ World Bank, Gender-Based Violence (Violence Against Women and Girls (September 25 2019) <<https://www.worldbank.org/en/topic/socialsustainability/brief/violence-against-women-and-girls>>

¹⁴⁶ *id.*

¹⁴⁷ *id.*

¹⁴⁸ *id.*

¹⁴⁹ World Bank, Preventing Gender-Based Violence will Help Women, Girls and Countries Thrive (May 18 2017) <<https://www.worldbank.org/en/news/feature/2017/05/18/preventing-gender-based-violence-help-women-girls-countries-thrive>>

¹⁵⁰ World Bank, Gender-Based Violence (Violence Against Women and Girls (September 25 2019) <<https://www.worldbank.org/en/topic/socialsustainability/brief/violence-against-women-and-girls>>

a contractor disqualification mechanism, under which it will disqualify contractors for failing to comply with gender-based violence related obligations.¹⁵¹ A disqualified contractor will not receive Bank-financed contracts for two years.¹⁵² After this period, it needs to demonstrate that it's able to meet the Bank's requirements for preventing gender-based violence before receiving a new Bank-financed contract.¹⁵³

A Structural Response to Gender Based Violence: The Importance of Prevention of Violence through Education

Covid 19 has revealed the systemic nature of GBV. In a time of crisis, women are more likely to become targets of violence.¹⁵⁴ During a public health crisis that called for locked down or stay at home measures, women were less likely to flee their abusers. The pandemic further blurred the lines between the public and the private and exposed the false construct of the public and the private abodes. Even as Covid made the public/private boundaries shift, GBV at home or outside the home was clearly a state responsibility.

Laws around the world primarily provide provisions criminalizing violence against women. Since this model is premised upon responding to domestic violence concerns after the abuse has already happened, there is a concern that these punitive policies alone are insufficient to address the systemic causes of domestic violence. The traditional criminal law model is a case- by- case approach, paying little attention to structural challenges which contribute not only to the physical, sexual, and psychological injuries suffered by **women** but also to the economic, racial and other harms experienced as part of gender-based **violence**.

Systemic oppression is a form of oppression that is so ingrained in our structures that it is often unquestioned and is handed down from one generation to the next. This section looks at how the SDGs must call for education to address **gender** stereotypes, and combat traditional notions of **gender** that perpetuate patriarchal, sexist and racist social and economic frameworks. Educational curricular, programs and text books can not only reflect bias and stereotypes but can also play a role in addressing sexist and racist structures by combating stereotypes and deep seated biases from being further embedded into our structures.

SDG's must address systemic causes of gender-based violence. Moreover, the United Nations Office of the High Commissioner for Human Rights found that "[i]t is through **education** that traditions and beliefs which reinforce inequality between the sexes can be challenged" preventing "the legacy of discrimination [to be] handed from one generation to the next."

¹⁵¹ World Bank, World Bank to Introduce Contractor Disqualification to Strengthen Prevention of Gender-Based Violence (November 24 2020) <<https://www.worldbank.org/en/news/press-release/2020/11/24/contractor-disqualification-to-strengthen-prevention-of-gender-based-violence>>

¹⁵² *id.*

¹⁵³ *id.*

¹⁵⁴ According to U.N. Women in Argentina, emergency calls for domestic violence have increased by twenty-five percent since the March 20, 2020 lockdown began. In Cyprus and Singapore, help lines have registered an increase of respectively thirty percent and thirty-five percent. In France, there has been a spike of thirty percent in cases involving domestic violence against women since the March 17, 2020 lockdown. In South Africa, police statistics indicate that "they received 460 calls a day to their gender-based violence hotline in the first five days of the lockdown alone, nearly double from the weeks prior." These statistics prompted Ndileka Mandela, Nelson Mandela's grand-daughter, to use social media to let women stuck at home with abusers know that "they [were] not alone, and to encourage them to call police hotlines for help."

“[E]**ducation** has been demonstrated to be a tool in combating systemic and structural forms of inequities. The United Nations Office of the High Commissioner for Human Rights found that “[i]t is through **education** that traditions and beliefs which reinforce inequality between the sexes can be challenged” preventing “the legacy of discrimination [to be] handed from one generation to the next.” Educational curricular and programs can be a tool to uncover structures and systems that subordinate women and minorities and remake structures based on equity.

Several laws now include education on GBV as part of the academic curriculum both at the secondary and the university level. Education on gender inequality and violence against women is one way of addressing entrenched and intersectional, social and cultural practices that contribute to **violence against women**. Historically, **education was designed as a way to provide the tools for a livelihood, and to inspire good citizenship**. Sexism or racism or practices, prejudices and ideologies that treat one sex or race as inferior to the other in worth and in status--is two of the most pernicious problems affecting humanity.

CEDAW Article 10:

The CEDAW project is ultimately a project to address systemic and structural forms of **gender** discrimination, biases, and violence against women. Article 10 of the CEDAW makes it clear that **gender** biases must be eliminated from **education**. The elimination of **gender** stereotypes in the **educational** system as well as education as a tool to advance equity in education is a way to eliminate discrimination as a whole. Article 10 of CEDAW states:

“State Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them **equal** rights with men in the field of **education** and in particular to ensure, on a basis of **equality** of men and women: ... (c)The elimination of any stereotyped concept of the **roles** of men and women at all levels and in all forms of **education** by encouraging coeducation and other types of **education** which will help to achieve this aim and, in particular, by the revision of textbooks and school program[s] and the adaption of teaching methods.”¹⁵⁵

¹⁵⁵ “Article 10 also recognizes that **equality in education** is the bedrock foundation for women's empowerment in both the private and public spheres, but it can also play a role in breaking down the legacy of discrimination by challenging beliefs that reinforce **gender** inequality.”

Article 10 reflects this method of eliminating **gender** discrimination and provides guidelines for State parties to follow in order to prevent their **educational** systems from perpetuating those cultural stereotypes. The revision of text books and school programs is an important part of this curriculum reform.

The language and meaning of Article 10(c) provides a framework for achieving systemic change through curricular reform, training, programming, and awareness raising at all levels of education from kindergarten to post- graduation. That is, Article 10(c) provides a model agenda for eliminating **gender** stereotypes in **education** as well as promoting gender equal education.

Section (c) of Article 10 begins with the language, “[t]he **elimination of any stereotyped concept of the roles of men and women**.” Article 10(c) recognizes that the current **educational** system plays a significant factor in developing and disseminating stereotypes, and, due to their tendency to establish deeply imbedded **gender** biases, all “stereotyped concepts of the **roles** of men and women” must be eliminated in order to truly eliminate discrimination.

The next clause of Article 10 states, “**and, in particular, by the revision of textbooks and school program[s] and the adaption of teaching methods**.” This clause gives the specific example of

For SDG Goal 5 to be addressed fully, it is important for legislative reform to address the power structures that constitute the root causes of gender-based violence. These reformist endeavors call for a specific focus on minority and underrepresented communities of intersectional identity and the engagement of men and boys who are important shareholders in the SDG agenda. Education has been acknowledged to be a tool in combating systemic and structural forms of inequities.

The laws below highlight provisions of the laws that highlight education as a prevention tool in anti-violence against women laws. For convenience, these laws have been organized by their subject into the tables below: (1) curriculum and textbook reform, (2) engagement of men and boys, and (3) intersectional educational reform (with a specific focus on the inclusion of indigenous peoples and minorities).

textbook revision because of the huge impact stereotypes in textbooks can have on **gender** discrimination. Specifically, “[**g**]ender bias in textbooks continues to perpetuate stereotypical attitudes about the **roles** of men and women in the home, the family and the workplace, ultimately constraining the ability for girls to achieve their full potential and negatively affecting the broader society to benefit from the female voice in all aspects of public and private life.”

1. Curriculum and Textbook Reform

Curriculum and Textbook Reform		
Country	Legislation	Relevant Language
Andorra	Law on the Eradication of Gender Violence and Domestic Violence, 2015 - Article 6	“Awareness and Prevention from the Educational Sphere 1. Sensitization and prevention measures from the educational field are all the tools, actions and policies that are carried out in educational centers and universities in order to raise awareness of the causes and consequences of gender violence and domestic violence, in order to prevent them from establishing peaceful and equal models of coexistence and respect.”
Ecuador	Law to Prevent and Eradicate Violence Against Women, 2018- Title II, Chapter III	<p><u>Article 25 - Governing body of Higher Education:</u></p> <p>Without prejudice to the powers established in the respective regulations in force, it will have the following tasks:</p> <p>b) Develop awareness campaigns to disseminate content that promotes the human rights of women and to prevent and eradicate violence against women;</p> <p>d) Create and update specialized protocols to address cases of violence against women, sexual harassment and violence within the scope of higher education; and, disseminate prevention and response mechanisms in the educational community;</p> <p>e) Implement in all curricula the teaching of women's human rights, with elimination of myths, habits and stereotypes that legitimize violence;</p> <p><u>Article 31 - Governing body of Communication Regulation</u></p> <p>Without prejudice to the powers established in the respective regulations in force, it will have the following tasks:</p> <p>c) Guarantee educational contents that promote sociocultural changes and the eradication of gender stereotypes that promote violence against women, girls, adolescents, youth, adults and the elderly;</p> <p>d) Develop and implement awareness-raising and continuing education programs for media personnel, on women's human rights, gender approach.</p>

Portugal	Law for the prevention of domestic violence, protection and the assistance of victims, 2009 - Chapter VI Education for citizenship	<p>Article 77 - Education: The State ensures the promotion of domestic violence prevention policies by</p> <ul style="list-style-type: none"> d) Symbolic violence and its structural and institutional character; e) Power relations that mark the personal interactions, groups and social; f) The relationship between children, adolescents, young people and adults. <p>Article 78 - Awareness and information The State ensures the promotion of domestic violence prevention policies by:</p> <ul style="list-style-type: none"> a) Preparation of scripts and educational products for awareness raising and information in schools, which include the themes of education for gender equality, non-violence and peace, for the emotions, as well for the relationship between gender and multiculturalism and the resolution of conflicts through communication; b) Creation and dissemination of informative and pedagogical materials directed to the student population; c) Conducting competitions in schools to select best pedagogic materials produced in order to conduct temporary exhibitions; d) Dynamization of awareness raising in schools, in partnership with the remaining actors of the educational community, by the military and agents of the security forces involved in proximity policing, community and victim support programmes; e) Development of guidelines and products to raise awareness of families about the need for engage in educational strategies as an alternative to violence; f) Awareness raising for the elimination of all sexist and discriminatory references of school materials;
Spain	Law on Comprehensive Protection Measures against Gender Violence, 2004 Chapter I: In the educational field	Article 6. Promotion of equality: “In order to guarantee effective equality between men and women, educational administrations will ensure that all educational materials eliminate sexist or discriminatory stereotypes and promote the equal value of men and women.”
Kyrgyz Republic	Law on Safeguarding and Protection from Domestic Violence, 2017	Article 13: “Responsibilities of educational bodies to safeguard and protect from domestic violence 1. For the purpose of exercise of powers set forth by the Government of the Kyrgyz Republic, the authorized educational body: 1) Organize activity of educational bodies to safeguard and protect from domestic violence; 2) Monitor and analyze activity of educational bodies related to the needs of students who fell victim to domestic violence, in obtaining social services and assistance.”

Guinea Bis-sau	Domestic Violence Law, 2014, Chapter III (on the obligations of the State)	<p>Article 10. Obligations of the State “In order to prevent, address and eradicate domestic violence, State institutions. . .must. . .</p> <p>a)[p]romote the process of modifying the socio-cultural patterns of conduct of women and men, including the design of formal and non-formal education programs and curricula at all levels of the educational process [and]. . .</p> <p>b) [d]isseminate the right to a life without violence. . .”</p>
Benin	<p>Law on the Prevention and Repression of Violence against Women, 2012</p> <p>TITLE 2 AWARENESS, PREVENTION AND DETECTION MEASURES CHAPTER I EDUCATIONAL FIELD</p>	<p>Article 5 - “[T]he principles and teachings of mutual respect between the sexes, learning to live together, rejecting and condemning violence, developing critical thinking skills and analysing violence and all gender inequalities will be taken into account in the teaching curricula. These teachings must provide training in the knowledge of and respect for human rights and fundamental freedoms and in understanding the concrete situations that affect them. Similarly, the education system will include, in its quality principles, the removal of obstacles that make it difficult to achieve full equality between men and women, and especially violence against women. They provide training adapted, in content and methods, to the economic, social and cultural developments of the country.”</p> <p>Article 6 - “The school is responsible for transmitting and acquiring knowledge and working methods. It aims at gender diversity and real equality between men and women, girls and boys, young girls and young boys, particularly in terms of guidance, detection of violence suffered by young people and the fight against sexism.”</p>
Laos	Law on Preventing and Combatting Violence against Women and Children, 2014 - Part III Prevention of Violence against Women and Children	<p>Article 18. Prevention of Violence against Women and Children</p> <p>“Prevention of violence against women and children shall proceed as follows: Public awareness raising on violence against women and children; Promotion of the advancement of women and gender equality; Promotion of children’s rights; Strengthening the capacity of concerned organizations; Research and data collection; Responsibility of social organizations; Family members’ responsibilities; Women’s responsibilities; Men’s responsibilities.”</p>

<p>Mexico</p>	<p>General Law on Women's Access to a Life Free of Violence, 2007</p> <p>CHAPTER II - OF THE COMPREHENSIVE PROGRAM TO PREVENT, PUNISH AND ERADICATE VIOLENCE AGAINST WOMEN</p>	<p>Fifth Section. The Ministry of Public Education</p> <p>Article 45- "The Ministry of Public Education shall: I. Define in educational policies the principles of equality, equity and non-discrimination between women and men and full respect for human rights; II. To develop educational programs, at all levels of schooling, that foster the culture of a life free of violence against women, as well as respect for their dignity..."</p>
<p>Italy</p>	<p>Law No. 119/2013 (converting into law, with amendments, Law Decree No. 39/2013 containing urgent provisions, inter alia, on the fight against gender-based violence), 2013</p> <p>Chapter I - PREVENTION AND FIGHT AGAINST GENDER-BASED VIOLENCE</p>	<p>Art. 5 ((Extraordinary Action Plan Against Sexual and Gender-based Violence</p> <p>2. The Plan, which aims to ensure homogeneous actions in the national territory, has the following objectives:</p> <p>"b)...to promote adequate training of school staff on gender relations, and against gender-based violence and discrimination, and to promote, within national guidelines for the national curriculum for nursery school and the first cycle of education, guidelines for high schools, technical and vocational schools, curricular and extra-curricular teaching modules for schools of all levels, awareness raising, information and training for students in order to prevent violence against women and gender-based discrimination, including through the appropriate enhancement of these topics in textbooks; and support of victims of gender-based violence and stalking, and the experiences of associations providing assistance in the sector."</p>

<p>Bosnia</p>		<p>Bosnia provides an intersectional approach and calls for revision of textbooks.</p> <p>Education</p> <p>33. The Committee welcomes the increase in the enrolment of girls and women in scientific fields of study and in higher education. Nevertheless, the Committee is concerned about the low percentage of women and girls who choose non-traditional fields of study and career paths, such as mechanical and electrical engineering. It also notes with concern:</p> <p>(c) The barriers to access high-quality education at all levels faced by Roma, rural, refugee and asylum-seeking girls, girls with disabilities and girls who are victims of child marriage, gender-based violence and trafficking;</p> <p>(d) Reports of violence against girls in educational institutions;</p> <p>34. Recalling its general recommendation No. 36 (2017) on the right of girls and women to education, as well as target 4.1 of the Sustainable Development Goals, the Committee recommends that the State party:</p> <p>(a) Encourage further diversification of the educational choices of girls and boys and revise school textbooks and educational materials at the entity, district and cantonal levels to eliminate gender-stereotyped content from teaching materials at all levels of education</p>
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2. Engagement of Men and Boys

Engagement of Men and Boys		
<i>Country</i>	<i>Legislation</i>	<i>Relevant Language</i>
Nicaragua	<p>Integral Law on Violence against Women and to Reform Law No. 641 “Penal Code”, 2012</p> <p>TITLE III MEASURES OF ATTENTION, PROTECTION, SANCTION, PRELIMINARY AND PRECAUTIONARY MEASURES Chapter I Measures of attention, protection and sanction</p>	<p>Art. 19. Measures of attention and prevention The measures of attention and prevention that are established are the set of measures and actions to protect victims of violence, as part of the obligation of the State, to guarantee women their safety and the full exercise of their human rights. These models must take into consideration:</p> <p>b)“Provide integral, specialized and free reeducation services to the aggressor, to eradicate violent behavior, through an education that eliminates the stereotypes of male supremacy and the macho patterns that generated their violence.”</p>
United States	<p>Violence Against Women Act, 1994 (As Amended)</p> <p>Subtitle M—Strengthening America’s Families by Preventing Violence Against Women and Children</p>	<p>(3) ENGAGING MEN AS LEADERS AND ROLE MODELS.—</p> <p>“To develop, maintain or enhance programs that work with men to prevent domestic violence, dating violence, sexual assault, and stalking by helping men to serve as role models and social influencers of other men and youth at the individual, school, community or statewide levels.”</p>

Peru	<p>Act to Prevent, Punish and Eradicate Violence Against Women and Members of the Family Group, 2015</p> <p>TITLE III PREVENTION OF VIOLENCE, ATTENTION AND RECOVERY OF VICTIMS AND REEDUCATION OF AGGRESSORS</p> <p>CHAPTER I PREVENTION OF VIOLENCE, ATTENTION AND RECOVERY OF VICTIMS</p>	<p>Article 27. Promotion, prevention and recovery services for victims of violence</p> <p>“...It is the State's policy to create care and prevention services against violence. The creation and management of temporary shelter homes, programs aimed at men to prevent violent behavior and other protection services in favor of victims of violence against women and members of the family group will be in charge of the local and regional governments and the Ministry of Women and Vulnerable Populations.”</p>
Laos	<p>Law on Preventing and Combatting Violence against Women and Children, 2014</p> <p>Part III Prevention of Violence against Women and Children</p>	<p>Article 27. Responsibilities of Men</p> <p>“Men have responsibilities and [shall] take ownership in preventing violence against women and children, adapt-change the violence behavior and stop using violence, have a good attitude, respect the rights of individual women and children, aware of and implement their obligation in realizing the gender equality rights and children’s rights. In addition men should not hold customs, traditions or beliefs to justify violence against women and children. Men should take ownership in raising awareness, build knowledge on preventing and combatting violence against women and children.”</p>
Argentina	<p>Law on the Comprehensive Protection of Women, 2009</p> <p>CHAPTER III - BASIC GUIDELINES FOR STATE POLICIES</p>	<p>Article 10. - Technical strengthening of jurisdictions. The national State must inter-institutionally promote and strengthen the different jurisdictions for the creation and implementation of comprehensive services to assist women who experience violence and the people who use it, and must guarantee:</p> <p>7-Re-education programs aimed at men who use violence.</p>

<p>Italy</p>	<p>Law No. 119/2013 (converting into law, with amendments, Law Decree No. 39/2013 containing urgent provisions, inter alia, on the fight against gender-based violence), 2013</p> <p>Chapter I - PREVENTION AND FIGHT AGAINST GENDER-BASED VIOLENCE</p> <p>Art. 5 Extraordinary Action Plan Against Sexual and Gender-based Violence</p>	<p>“The Plan, which aims to ensure homogeneous actions in the national territory, has the following objectives:</p> <p>a) to prevent the phenomenon of violence against women through public information and awareness raising, as well as by increasing the engagement of men and boys in the process of eliminating violence against women and in resolving interpersonal conflicts...”</p>
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3. Intersectional Educational Reform

Intersectional Education Reform		
<i>Country</i>	<i>Legislation</i>	<i>Relevant Language</i>
Bolivia	2016-2020 Sectoral Plan for Comprehensive Development of Education to Live Well	Provides a blueprint on decolonizing and depatriarchalizing, along with an intracultural and intercultural approach to ensure equity in education.
Peru	Act to Prevent, Punish and Eradicate Violence Against Women and Members of the Family Group, 2015 TITLE IV NATIONAL SYSTEM FOR THE PREVENTION, SANCTION AND ERADICATION OF VIOLENCE AGAINST WOMEN AND MEMBERS OF THE FAMILY GROUP	Article 45. Sectoral responsibilities The sectors and institutions involved, and regional and local governments, in addition to adopting mechanisms of training, capacitation and permanent specialization, in accordance with their organic laws and other applicable regulations, are responsible for: 2. The Ministry of Education e) Implement in the educational institutions of the Regular Basic Education (EBR) and the Alternative Basic Education (EBA), contents of the National Curricular Design (DCN) on the respect of the right to a life free of violence, with active methodologies and systems of evaluation that are adapted to the diverse cultural, ethnic and linguistic contexts.
United States	FAMILY VIOLENCE PREVENTION AND SERVICES ACT	SEC. 311. GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS. “4) ...conduct public education campaigns regarding domestic violence through the use of public service announcements and informative materials that are designed for print media, billboards, public transit advertising, electronic broadcast media, and other vehicles for information that shall inform the public concerning domestic violence, including information aimed at underserved racial, ethnic or language-minority populations...”

<p>United States</p>	<p>** Violence Against Women Reauthorization Act, 2013- An Act To reauthorize the Violence Against Women Act of 1994</p> <p>*** VIOLENCE AGAINST WOMEN ACT OF 1994</p>	<p>** “SEC. 1301. GRANTS TO SUPPORT FAMILIES IN THE JUSTICE SYSTEM</p> <p>“...education and outreach programs to improve community access, including enhanced access for underserved populations...”</p> <p>*** TITLE IV—VIOLENCE AGAINST WOMEN CHAPTER 9—DATA AND RESEARCH</p> <p>“...The Attorney General shall request the National Academy of Sciences, through its National Research Council, to enter into a contract to develop a research agenda to increase the understanding and control of violence against women, including rape and domestic violence...In setting the agenda, the Academy shall focus primarily on preventive, educative, social, and legal strategies, including addressing the needs of under-served populations.”</p>
<p>Ecuador</p>	<p>Law to Prevent and Eradicate Violence Against Women, 2018</p>	<p>Article 9 - Rights of women Women: girls, adolescents, young people, adults and older adults, in all their diversity, have the right to recognition, enjoyment, exercise and protection of all human rights and freedoms contemplated in the Constitution of the Republic, international instruments ratified by the State and in the current regulations, which include, among others, the following:</p> <p>“4. To receive clear, accessible, complete, truthful, timely information, in Spanish or in their own language, appropriate to their age and socio-cultural context, in relation to their rights, including their sexual and reproductive health; to know the protection mechanisms; the place of provision of care, emergency, support and comprehensive recovery services; and other procedures contemplated in this law and other concordant regulations...”</p>

<p>Mexico</p>	<p>General Law on Women’s Access to a Life Free of Violence, 2007</p> <p>CHAPTER III - OF THE DISTRIBUTION OF COMPETENCES IN MATTERS OF PREVENTION, SANCTION AND ERADICATION OF VIOLENCE AGAINST WOMEN</p>	<p>Article 40. The Federation, the federated entities and the municipalities, will contribute to the fulfillment of the objectives of this law in accordance with the competences foreseen in the present ordinance and other applicable legal instruments. First Section. Of the Federation Article</p> <p>41. Faculties and obligations of the Federation:</p> <p>“Educate women on human rights in their mother tongue; VI. Ensure the dissemination and promotion of the rights of indigenous women based on the recognition of the pluricultural composition of the nation; VII. Monitor that the uses and customs of the whole society do not threaten the human rights of women; VIII. Coordinate the creation of reeducation and social reintegration programs with a gender perspective for aggressors of women...”</p>
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<p>Colombia</p>	<p>Law 1257 (on the Awareness, Prevention and Sanctioning of Discrimination and Violence Against Women), 2008</p> <p>**CHAPTER IV - SENSITIZATION AND PREVENTION MEASURES</p> <p>***CHAPTER VI - MEASURES OF CARE</p>	<p>**Article 14. Duties of the family. The family will have the duty to promote the rights of women in all their recognized life stages, enshrined in this law and likewise the elimination of all forms of violence and inequality against women. These are family duties for these purposes:</p> <p>10. Carry out all necessary actions to ensure the exercise of women's rights and eliminate violence and discrimination against them in the family environment. Paragraph. For Indigenous Peoples, Afro-descendant communities and other ethnic groups, the obligations of the family shall be established in accordance with their traditions and cultures, provided they are not contrary to the Constitution and international human rights instruments.”</p> <p>*** Article 20. Information “‘The municipalities and districts will provide information and advice to women victims of violence appropriate to their personal situation, on the services available, the entities in charge of providing said services, the relevant legal procedures and the existing reparation measures. The existing lines of care in the municipalities and districts will immediately, accurately and completely inform the community and the victim of any form of violence, the mechanisms of protection and attention to it. It will be guaranteed through the necessary means that women victims of violence with disabilities, who cannot read or write, or those who speak a language other than Spanish, have full and adequate access to information about existing rights and resources.”</p>
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<p>Peru</p>	<p>Act to Prevent, Punish, and Eradicate Violence Against Women and Members of the Family Group, 2015</p> <p>TITLE IV NATIONAL SYSTEM FOR THE PREVENTION, SANCTION AND ERADICATION OF VIOLENCE AGAINST WOMEN AND MEMBERS OF THE FAMILY GROUP</p>	<p>Article 41. Base Protocol for Joint Action</p> <p>“The Base Protocol of Joint Action in prevention, care, protection, early detection and continued intervention, sanction and reeducation in the face of violence against women and members of the family group contains the guidelines for intersectoral articulation and procedures to ensure global and integral action of the different administrations and services involved. It constitutes an instrument of obligatory compliance under responsibility. The Protocol must consider in a special way the situation of women who, because of their status as such and crossing other variables, are more exposed to violence or greater difficulties in accessing the services provided for in this Law, such as those belonging to indigenous, Andean and Amazonian populations, people of African descent, those in situations of social exclusion and women with disabilities, among others. A similar consideration should include the protocol regarding members of the family group from the human, generational and intercultural rights approach.”</p>
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<p style="text-align: center;">Bolivia</p>	<p style="text-align: center;">Comprehensive Law to Guarantee Women a Life Free of Violence, 2013</p> <p style="text-align: center;">TITLE III PREVENTION, ATTENTION AND PROTECTION</p> <p style="text-align: center;">CHAPTER I PREVENTION OF VIOLENCE TOWARDS WOMEN</p>	<p>Article 17 – Prevention Criteria</p> <p>“For the purposes of application of this Law, the central level of the State and the Autonomous Territorial Entities will create and adopt preventive measures that are necessary to modify the violent individual and social behaviors and those that tolerate, naturalize and reproduce violence, under three criteria of action:</p> <ol style="list-style-type: none"> 1. Structural Prevention. It includes all those measures of an integral nature aimed at modifying attitudes, practices, reactions, actions and omissions that have as their effect and consequence the violence against women, as well as its replacement by attitudes in the behavior of individual, couples, families, the community, society and state, through raising awareness and educating within the family, at school and other academic levels, at work, health care centers, indigenous communities (campesinas and Afro-Bolivian), political organizations and trade unions, social organizations, and any other scope of social interaction. 2. Individual Prevention. It refers to measures aimed at strengthening and empowering every woman and promoting her skills to identify any possible manifestation of violence or aggression towards her, facing the violence assertively, with the purpose of anticipating its expression or concretion and preventing it from occurring or continuing. 3. Collective Prevention. Measures designed to prevent violence and protect women through their organizations, institutions or any community to which they belong by affinity (neighborhood committees, unions, communities, nations, native indigenous people (campesinos), intercultural and Afro-Bolivian).” <p>Article 18 – Community Prevention</p> <p>“The native indigenous authorities campesinas and Afro-Bolivians, shall adopt in communities in which they exercise their functions, preventive measures that they consider more appropriate under the three criteria of action established to prevent any act of violence against women, with the participation of the communities in the planning, execution and follow-up, respecting their rights. No norms or procedures of the indigenous peoples or nations may violate the rights recognized in the Political Constitution of the State and the constitutionality.”</p>
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Panama	<p>Law to Criminalize Femicide and Violence Against Women, 2013</p> <p>CHAPTER VI PUBLIC POLICIES OF AWARENESS, PREVENTION AND ATTENTION</p>	<p>Article 24. “The municipalities and the county authorities will have the following attributions, in accordance with the mandates of the international conventions, in addition to those attributed to them by the Law: 1. Include the issue of violence against women and training in international conventions to protect the rights of women that are the Law of the Republic, in training programs and municipal and regional development. These issues must be included in the continuous and permanent training of the personnel working in the offices, the traditional authorities and the persons who serve victims, with a periodicity of not less than one year, as well as in the dissemination and information programs that contribute to eradicate violence against women in all its forms, guarantee respect for the dignity of women and promote equality between men and women. To this end, the modules to be used with CONVIMU will be validated in the different national indigenous languages and communication systems.”</p>
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Critique

There are several limitations in Target 5.2’s framework and data collection. *First*, while physical and sexual violence are relatively easy to define and detect, the metadata report indicates that psychological violence “may be conceptualised differently across cultures and in different contexts.”¹⁵⁶ Therefore, though psychological violence is captured in the indicator, it is actually not reported on in the surveys that provide the data. Another limitation of Indicator 5.2.1 is that it fails to measure IPV experienced by women aged 50 and above, meaning that the actual proportion of women subjected to IPV in the prior 12 months is potentially higher, if women aged 50 were surveyed.¹⁵⁷

Second, Indicator 5.2.2. suffers from a severe lack of data. As explained above, many national surveys on violence against women do not collect information on non-intimate partner violence. Currently, UN Gender Stats only has data from 37 low- or middle-income countries, which does not constitute a representative sample. Many of the data are from early 2000s and are not regularly updated.

Third, data collected from national surveys may not accurately present the whole picture of the IPV situation, because sociocultural barriers or fear of retribution may deter some women from disclosing their IPV experience. A study analysing the Demographic and Health Survey data from 24 developing countries shows that 40 per cent of women disclosed their IPV experience, out of which only 7 per cent reported to a formal source.¹⁵⁸ Under-reporting is more pronounced in regions where there is community stigma around reporting domestic violence and domestic violence is considered a family issue not to be disclosed or discussed publicly. For example, a study conducted in

¹⁵⁶ UNSD, ‘Metadata 05-02-01 ’<<https://unstats.un.org/sdgs/metadata/files/Metadata-05-02-01.pdf>>

¹⁵⁷ id.

¹⁵⁸ Tia Palermo, Jennifer Bleck, and Amber Peterman, ‘Tip of the Iceberg: Reporting and Gender-Based Violence in Developing Countries ’(2014) 179 *American Journal of Epidemiology* 602.

Tanzania shows that while 44 per cent of women experience IPV during their lifetime, many refrain from revealing this fact, as a result of “gendered social norms that accept IPV and impose stigma and shame upon survivors.”¹⁵⁹

Fourth, while the target statement envisions the elimination of “all forms of violence,” the two indicators fail to capture the full range of violence women and girls are subjected to, such as cyber violence or economic violence. In the 2020 Comprehensive Review of the global indicators framework, Eurostate proposed a replace of both indicators to “proportion of population subjected to physical, sexual or psychological violence or harassment in the previous 12 months, by sex, age, disability status of the victim, form of violence or harassment, place of occurrence, age at occurrence, and relationship with the offender.”¹⁶⁰ This proposal includes harassment as a form of violence, and includes disability status as a classifying feature of the victim. Both are recommendable. Harassment is also a form of violence, and women with disabilities are more likely than other women to experience violence.¹⁶¹

Fifth, although the target statement mentions trafficking and sexual exploitation, no separate indicator is devised to measure the progress on this front. A related target, Target 16.2 under Goal 16, seeks to “end abuse, exploitation, trafficking and all forms of violence against and torture of children”, but its approach is not gender-sensitive and does not address trafficking and exploitation of adult women. As mentioned above, women and girls are more likely to become victims of human trafficking and sexual exploitation, so an indicator dedicated to tracking the progress on eliminating trafficking and sexual exploitation against women and girls seems urgent. In the 2020 Comprehensive Review, Germany BMZ suggested adding an additional indicator on human (women) trafficking to Target 5.3, but this proposal was not adopted.¹⁶² Whether assigned to Target 5.2 or 5.3, it is important to have design an indicator to track efforts in this area. If data on victims at the country level is difficult to measure, at least the indicator can measure whether there are legislations, programmes or policies in place that combat human trafficking and sexual exploitation targeted at women.

Target 5.3

‘Eliminate all harmful practices, such as child, early, and forced marriage and female genital mutilation.’

Target 5.3 seeks to address another two human rights issues: child, early and forced marriage, and female genital mutilation (FGM). Marriage before 18 is a fundamental human rights violation, and affects disproportionately women and girls.¹⁶³ This harmful practice often leads to early pregnancy,

¹⁵⁹ Jennifer McCleary-Sillsab, Sophie Namy, Joyce Nyoni, Datus Rweyemamu, Adrophina Salvatory, and Ester Steven, ‘Stigma, shame, and women’s limited agency in help-seeking for intimate partner violence’ (2015) Global Public Health 1.

¹⁶⁰ UN Stats, ‘Compilation of 2020 Comprehensive Review Proposals Received’ <https://unstats.un.org/sdgs/files/2020%20Comprehensive%20Review%20Proposals_web.pdf> accessed June 04 2021.

¹⁶¹ UN Women, ‘Facts and figures: Women and girls with disabilities’ <<https://www.unwomen.org/en/what-we-do/women-and-girls-with-disabilities/facts-and-figures>> accessed June 2 2021.

¹⁶² Economic and Social Council, ‘Report of the Inter-Agency and Expert Group on Sustainable Development Goal Indicators’ (20 December 2019) <<https://unstats.un.org/unsd/statcom/51st-session/documents/2020-2-SDG-IAEG-Rev-EE.pdf>>; UN Stats ‘Compilation of 2020 Comprehensive Review Proposals Received’ <https://unstats.un.org/sdgs/files/2020%20Comprehensive%20Review%20Proposals_web.pdf>.

¹⁶³ UN Stats, The Sustainable Development Goals Report 2020 <<https://unstats.un.org/sdgs/report/2020/goal-05/>> accessed May 26 2021.

social isolation, interruption of education, and increases a girl's risks of experiencing domestic violence.¹⁶⁴ This practice is addressed by a number of international instruments. The UN Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1964) calls for State Parties to “[eliminate] completely child marriages and the betrothal of young girls before the age of puberty” and to set a minimum age for marriage.¹⁶⁵ It also requires “full and free consent” before entering into marriage.¹⁶⁶ The Joint general recommendation No. 31 of CEDAW and general comment No. 18 of the CRC on harmful practices (2014), issued by the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, offers a holistic framework for tackling this harmful practice.¹⁶⁷

Indicator 5.3.1 assesses the proportion of women aged 20–24 years who were married or in a union before age 15 and before age 18.¹⁶⁸ This indicator covers both formal marriages and informal unions, with informal unions defined as “those in which a couple lives together as if married but for which there has been no formal civil or religious ceremony (i.e., cohabitation).”¹⁶⁹ Data are collected from individual countries' household surveys and national censuses. UNICEF is the custodian agency for collecting data for this indicator.

Around 2019, one in five women (20.2 per cent) between the ages of 20 and 24 was married before the age of 18, compared with about one in four (23.8 per cent) 10 years earlier.¹⁷⁰ There were decreases in both the proportion of women that were married/in union before 15 (7.4 per cent to 4.9 per cent), and the promotion of women that were married/in union after 15 but before 18 (16.4 per cent to 15.3 per cent).¹⁷¹ Such progress enabled the aversion of 25 million early marriages, of which 7 million were expected based on prior trends, 18 million were enabled by an acceleration of progress.¹⁷²

Region-specific data shows that Southern Asia saw the greatest decline of child marriage during this period, from nearly 50 per cent to 30 per cent, mainly due to progress achieved in India.¹⁷³ Currently, the risk of child marriage is highest in sub-Saharan Africa, where around four in ten women between the age of 20 and 24 were married before 18.¹⁷⁴ However, at the current rate, no region is on track to eliminate child marriage by 2030, unless efforts are substantially enhanced and maintained.¹⁷⁵

¹⁶⁴ UN Women, ‘Facts and figures: Ending violence against women’ <<https://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures#notes>> accessed May 26 2021.

¹⁶⁵ Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages.

¹⁶⁶ *id.*

¹⁶⁷ Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices.

¹⁶⁸ UNSD, ‘Metadata 05-03-01’ <<https://unstats.un.org/sdgs/metadata/files/Metadata-05-03-01.pdf>>.

¹⁶⁹ *id.*

¹⁷⁰ The Sustainable Development Goals Report 2020, *supra*.

¹⁷¹ *id.*

¹⁷² Progress and Info. <<https://sdgs.un.org/goals/goal5>>. See also UNICEF, ‘Harmful practices and intimate partner violence’ <<https://data.unicef.org/topic/gender/harmful-practices-and-intimate-partner-violence/>>.

¹⁷³ Harmful practices and intimate partner violence, *supra*.

¹⁷⁴ *id.*

¹⁷⁵ UNICEF, ‘Child and forced marriage, including in humanitarian settings’ <<https://www.ohchr.org/EN/Issues/Women/WRGS/Pages/ChildMarriage.aspx>> accessed June 4 2021.

Like child marriage, FGM is a violation of human rights. FGM imposes negative physical and mental health consequences on affected women and girls, and continues to impact them for the remainder of their lives.¹⁷⁶ FGM is condemned by multiple international treaties, conventions, and national legislations. Article 25 of the Universal Declaration of Human Rights has been used to support the argument that FGM is a violation of the right to health and bodily integrity, which states that “everyone has the right to a standard of living adequate for health and well-being.”¹⁷⁷ The 1989 UN Convention on the Rights of the Child also condemns FGM as a form of violence against girls.¹⁷⁸

Indicator 5.3.2 measures the proportion of girls and women aged 15–49 years who have undergone female genital mutilation (FGM) and/or cutting, by age. Under this indicator, FGM refers to “all procedures involving partial or total removal of the female external genitalia or other injury to the female genital organs for non-medical reasons.” Data are collected from household surveys such as UNICEF-supported MICS (Multiple Indicator Cluster Survey) and individual countries’ national surveys. UNICEF is the custodian agency for this indicator.

Globally, at least 200 million women and girls in 31 countries where the practice is concentrated have undergone FGM.¹⁷⁹ The practice is becoming less common over the last thirty years—in the countries with nationally representative data, about one in three girls aged 15 to 19 have been subject to the practice, compared to one in two thirty years ago.¹⁸⁰ Fast decline of the practice has occurred in countries including Egypt, Sierra Leone, Benin and the Maldives.¹⁸¹ Nevertheless, the current progress may not be fast enough to reach the goal of elimination by 2030.¹⁸² There are still countries where the practice of FGM is almost universal—where at least nine in ten girls and women aged 15 to 49 years have been cut.¹⁸³

The prevalence of the practice varies greatly across countries, with the practice being almost universal in Somalia, Guinea and Djibouti, while it affects less than 1 per cent of adolescent girls in Cameroon, the Maldives and Uganda.¹⁸⁴ There also exist wide variations in terms of the type of FGM performed, circumstances surrounding the practice and size of the affected population groups.¹⁸⁵

The COVID-19 pandemic, nevertheless, may slow down or even erase the progress already achieved under this target. On the one hand, up to 10 million additional girls face the risk of child marriage in the next decade due to the pandemic.¹⁸⁶ On the other hand, the pandemic is also interrupting programmes to end FGM, and the closure of schools worsen the situation.¹⁸⁷ According to

¹⁷⁶ World Bank, ‘Compendium of International and National Legal Frameworks on Female Genital Mutilation’ <<https://openknowledge.worldbank.org/bitstream/handle/10986/33281/FGM%20Compendium%20Fourth%20Edition%20February%202020.pdf?sequence=1&isAllowed=y>>

¹⁷⁷ Universal Declaration of Human Rights

¹⁷⁸ 1989 UN Convention on the Rights of the Child

¹⁷⁹ The Sustainable Development Goals Report 2020, *supra*.

¹⁸⁰ *id.*

¹⁸¹ *id.*

¹⁸² Secretary General SDG Report, page 8. <<https://unstats.un.org/sdgs/files/report/2020/secretary-general-sdg-report-2020--EN.pdf>>

¹⁸³ DESA, ‘Progress and Info.’ <<https://sdgs.un.org/goals/goal5>>

¹⁸⁴ UNICEF, ‘Female genital mutilation (FGM)’ (February 2020) <<https://data.unicef.org/topic/child-protection/female-genital-mutilation/>>

¹⁸⁵ *id.*

¹⁸⁶ DESA, ‘Progress and Info.’ *supra*.

¹⁸⁷ The Sustainable Development Goals Report 2020, *supra*.

UNICEF, 2 million additional girls may be subjected to FGM in the next decade, and progress needs to be accelerated to meet the goal of total elimination by 2030.¹⁸⁸

Efforts Taken at International and National Level

Egypt Egypt has made made great strides in ending child marriage. In October 2017, the NCW launched the “No to Underage Marriage” campaign, the main objective of which is to curtail undocumented marriages of minors.¹⁸⁹ In 2020, the Egyptian government announced a plan to amend the country’s marriage laws.¹⁹⁰ The change would set a minimum age for marriage and impose penalties for girls’ early marriage, seeking to penalise everyone involved in organising the child marriage.¹⁹¹ In March, 2021, president President Abdul Fattah al-Sisi pledged to accelerate efforts to abolish child marriage in the country.¹⁹²

The FGM front also saw progress. There was an increase in the number of girls and mothers who reported actual or potential cases of FGM, a positive sign that the country’s efforts to increase community awareness of the practice are effective: between June 2019 and December 2020, there were 1618 reports, compared with 240 reports in 2005, when a Child Helpline was first established.¹⁹³

At the government level, in August 2016, the Egyptian parliament approved additional penalties for FGM: new amendments to the Penal Code provide for prison terms of five to seven years for those who perform FGM, and up to 15 years if the case results in permanent disability or death.¹⁹⁴ Anyone who accompanies a girl to undergo FGM will face one to three years in prison.¹⁹⁵ FGM is classified as a felony, not a misdemeanour.¹⁹⁶ In April 2021, the parliament further increased the penalties for FGM, imposing prison terms of up to 20 years.¹⁹⁷ Anyone who requested an FGM to be performed will also be subject to imprisonment.

¹⁸⁸ UNICEF, ‘2 million additional cases of female genital mutilation likely to occur over next decade due to COVID-19’ (05 February 2021) <<https://www.unicef.org/press-releases/2-million-additional-cases-female-genital-mutilation-likely-occur-over-next-decade>>.

¹⁸⁹ Egypt Today, ‘Egypt to issue law criminalizing child marriage by 2021’ (November 30 2020) <<https://www.egypttoday.com/Article/1/94827/Egypt-to-issue-law-criminalizing-child-marriage-by-2021>>

¹⁹⁰ Asharq Al-Awsat, ‘Egypt Seeks to Criminalize Child Marriage’ (March 23 2021) <<https://english.aawsat.com/home/article/2876886/egypt-seeks-criminalize-child-marriage>>.

¹⁹¹ id.

¹⁹² id.

¹⁹³ UN Women, ‘As more families report FGM incidents in Egypt, advocacy intensifies, and a new bill seeks to increase penalties’ (February 5 2021) <<https://www.unwomen.org/en/news/stories/2021/2/feature--families-report-fgm-in-egypt-and-advocacy-intensifies>>.

¹⁹⁴ Human Rights Watch, ‘Egypt: New Penalties for Female Genital Mutilation.’ <<https://www.hrw.org/news/2016/09/09/egypt-new-penalties-female-genital-mutilation>> accessed June 04 2021.

¹⁹⁵ id.

¹⁹⁶ Shahira Amin, ‘Egyptian parliament approves tougher penalties for female genital mutilation.’ (April 2 2021) <<https://www.al-monitor.com/originals/2021/04/egyptian-parliament-approves-tougher-penalties-female-genital-mutilation>>.

¹⁹⁷ Menna A. Farouk, ‘Egypt toughens penalties for FGM; activists remain sceptical’ (April 26 2021) <<https://www.reuters.com/article/egypt-women-fgm/egypt-toughens-penalties-for-fgm-activists-remain-sceptical-idUSL8N2MJ2HQ>>.

Egypt's National Strategy for the Empowerment of Egyptian Women 2030, adopted in 2017, vows to eliminate FGM under its protection pillar.¹⁹⁸ In May 2019, the National Council for Women (NCW) and the National Council for Childhood and Motherhood launched a National Committee for Eliminating FGM, which includes representatives of all concerned ministries, religious and judicial bodies, civil society and development partners.¹⁹⁹ In 2019, the NCW, in collaboration with UN Women Egypt, released a feature film, "Between Two Seas," one of the themes of which is FGM.²⁰⁰ There were public screenings of the film in different governorates throughout 2020, followed by discussions with the audience.²⁰¹

In 2016, the government launched the National Committee for the Eradication of Female Genital Mutilation, which has raised campaigns aiming at increasing the awareness of the harmfulness of FGM since 2016.²⁰² In December 2020, the Committee met with representatives from medical councils and organisations to devise a plan to fight against the medicalisation of FGM.²⁰³ In the same year, a group of doctors raised the "White Shirts" campaign, hanging up signs that read "No to FGM" and "FGM is a crime" in a Cairo metro station and handing out pamphlets that explained the risks of FGM.²⁰⁴

Mexico Beginning in 2015, states in Mexico began to adopt a federal law that set the minimum age of marriage for women and men at 18.²⁰⁵ By the end of 2018, 30 of 32 Mexican states had adopted the reform.²⁰⁶ The reform was effective in reducing the rate of formal child marriages.²⁰⁷ In 2019, the federal government issued a decree, prohibiting marriage for children under 18 in 31 states.²⁰⁸ The decree annulled some laws that allowed local governments and communities to provide exceptions or consent to child marriages.²⁰⁹

In 2017, the Mexican government cosponsored the Human Rights Council resolution on recognising the need to address child, early and forced marriage in humanitarian contexts. In 2019, it co-sponsored the resolution on the consequences of child marriage.²¹⁰ In 2018, it co-sponsored the UN General Assembly resolutions on child, early and forced marriage.²¹¹ During its 2018 Universal Periodic Review, Mexico agreed to review recommendations to work towards ensuring that relevant federal legislation is consistent with the General Act on the Rights of Children and Adolescents in respect of the minimum age for marriage.²¹²

¹⁹⁸ UN Women, 'As more families report FGM incidents in Egypt, advocacy intensifies, and a new bill seeks to increase penalties' (February 05 2021) <<https://www.unwomen.org/en/news/stories/2021/2/feature--families-report-fgm-in-egypt-and-advocacy-intensifies>>.

¹⁹⁹ id.

²⁰⁰ id.

²⁰¹ id.

²⁰² The Borgen Project, 'Female Genital Mutilation in Egypt' (January 20 2021) <<https://borgenproject.org/female-genital-mutilation-in-egypt/>>.

²⁰³ id.

²⁰⁴ id.

²⁰⁵ Cristina Bellés-Obrero and María Lombardi, 'Can minimum-age-of-marriage laws eradicate child marriage? Evidence from Mexico' (January 08 2021) <<https://voxdev.org/topic/health-education/can-minimum-age-marriage-laws-eradicate-child-marriage-evidence-mexico>>.

²⁰⁶ id.

²⁰⁷ id.

²⁰⁸ Mexico News Daily, 'Decree bans marriage for children under 18, eliminates exceptions' (June 05 2019) <<https://mexiconewsdaily.com/news/decree-bans-marriage-for-children-under-18/>>.

²⁰⁹ id.

²¹⁰ <<https://atlas.girlsnotbrides.org/map/mexico/>>

²¹¹ id.

²¹² id.

At the community level, in 2002, a young Mexican girl, Aleida Ruiz, led the campaign "Let girls be girls, not wives," which aims at eliminating child marriage and protecting indigenous girls whose families continue to force them into marriage at a very young age.²¹³ This campaign was joined by corporations, politicians and the media, and took the form of ballet classes and conferences at schools in indigenous communities, which explained the importance of eradicating these forced marriages.²¹⁴

EU The EU has long been involved in fighting against child marriage in third countries. Ending child marriage is considered a priority in the 2015-2019 Action plan on human rights and democracy, the EU Gender action plan for 2016-2020, the EU Strategic engagement to gender equality 2016-2019, the EU Action Plan on Human Rights and Democracy 2020-2024 and the Gender Action Plan 2021-2025.²¹⁵ The EU contributed €6 million to the UNFPA- Unicef Global programme to accelerate action to end child marriage, and allocated €18 million to "tackle harmful practices such as FGM and child marriage" over the 2014-2020 period.²¹⁶ In April 2018, the EU Parliament's Women's Rights and Gender Equality Committee "adopted an opinion calling for the EU's diplomatic arm to develop a clear strategy and dedicate funds to eradicating child and forced marriage by 2030."

In February 2020, the Parliament adopted a resolution on an EU strategy to put an end to FGM around the world, seeking to "ensure that FGM is present in all EU policy documents which are being currently negotiated, [...] increase EU budget allocated to this cause both internally and externally and [...] review the 2013 Communication in order to step up efforts against the practice worldwide, and tackle the disparities in laws, policies, services and provisions among the Member States."²¹⁷

From 2015 to 2020, EIGE, the EU-initiated body dedicated exclusively to gender equality, carried out several studies that estimated the risks of FMG in Ireland, Portugal and Sweden, Belgium, Cyprus, France, Greece, Italy and Malta, Denmark, Spain, Luxembourg and Austria.²¹⁸

World Bank In 2016, The World Bank pledged to invest \$2.5 billion over 5 years in education projects that directly benefit adolescent girls, as part of an effort to keep girls in school and delay child marriages.²¹⁹ In 2019, the World Bank Africa Region launched a Human Capital Plan, with an objective to empower women to prevent early marriage and pregnancy for adolescent girls.²²⁰ In 2020, the World Bank Group's Legal Vice Presidency published the Compendium of International

²¹³ Beatriz García, 'Aleida Ruiz, the young Mexican at war with child marriage' (March 05 2021) <<https://aldianews.com/articles/culture/social/aleida-ruiz-young-mexican-war-child-marriage/63186>>.

²¹⁴ id.

²¹⁵ European Parliament, 'Child marriages: Still too many' <[https://www.europarl.europa.eu/Reg-Data/etudes/ATAG/2018/623526/EPRS_ATA\(2018\)623526_EN.pdf](https://www.europarl.europa.eu/Reg-Data/etudes/ATAG/2018/623526/EPRS_ATA(2018)623526_EN.pdf)> at page 2

²¹⁶ id.

²¹⁷ European Parliament resolution on an EU strategy to put an end to female genital mutilation around the world' <https://www.europarl.europa.eu/doceo/document/B-9-2020-0090_EN.html>

²¹⁸ EIGE, 'Female genital mutilation' <<https://eige.europa.eu/gender-based-violence/female-genital-mutilation>> accessed June 04 2021.

²¹⁹ World Bank, 'World Bank Group to Invest \$2.5 Billion in Education Projects Benefiting Adolescent Girls' (April 13 2016) <<https://www.worldbank.org/en/news/press-release/2016/04/13/world-bank-group-to-invest-25-billion-in-education-projects-benefiting-adolescent-girls>>.

²²⁰ World Bank, 'Blog4Dev Competition: What will it take to end child marriage in your country?' <<https://www.worldbank.org/en/events/2019/10/19/africa-blog4dev-end-child-marriage>> accessed June 04 2021.

and National Legal Frameworks on Domestic Violence, a working document surveying the key international and regional instruments that address FGM.²²¹

What More Needs to be Done: Some Case Studies

Child Marriage

SDG Goal 5.3 acknowledges that eliminating child marriage is both a human right and development priority. The SDG goal is to “Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation.” UNICEF estimates 12 million girls under 18 are married each year. Girls who marry before they turn 18 are less likely to remain in school and more likely to experience domestic violence and live a life of economic impoverishment. Maternal deaths related to pregnancy and childbirth are common for girls aged 15-19 worldwide, accounting for 70,000 deaths each year. In several countries unequal age of marriage for women and men is common. For example, in Gabon the age of marriage for man is 18 and for the woman it is 15. Nevertheless, the President of the Republic of the Supreme Court may grant age waivers for serious reasons³⁰. These exceptions in the law vitiate efforts to raise the age of marriage. For example, Sierra Leone too provides exceptions to the age of marriage, in the Child Rights Act, Section 34 which allows underage marriage under special circumstances. The exceptions include marriage under personal law or customary law or with the consent of at least one of her parents or guardians. In Liberia too, the Domestic Relations Law, Sub 2.2 allows for exception to minimum age of marriage. Males and females under the age of 16 could apply for a “license for marriage with the consent of his or her parents.

Namibia too allows for marriages of parties over 16 years of age by the office of marriage according to the Recognition of Marriages Act, Article 10.³³ In Venezuela, according to the Civil Code, the minimum age of marriage is waived when the girl is pregnant. Girls in refugee communities are often given in marriage as a way to address financial hardships and fear or sexual abuse. Marriage becomes a way to alleviate the burden of caring for a child.

Critique

Both indicators were upgraded from Tier 2 to Tier 1 in 2019 after a data review, suggesting that more available data have been and will be regularly produced for these indicators (the difference between a Tier 1 and 2 indicator is whether data are regularly produced by countries).²²²

However, to eliminate child marriage, the underlying causes, including unequal power relations between men and women and the lack of strong legal frameworks need to be addressed.

²²¹ World Bank, 'Compendium of International and National Legal Frameworks on Female Genital Mutilation, Fourth Edition' <<https://openknowledge.worldbank.org/handle/10986/33281>> accessed June 04 2021.

²²² UN Stats, 'SDG Indicator changes (15 October 2018 and onward)*' <https://unstats.un.org/sdgs/files/List_of_changes_since_15_Oct_2018.pdf> accessed June 2 2021; UNSD, 'Tier Classification for Global SDG Indicators', <<https://unstats.un.org/sdgs/iaeg-sdgs/tier-classification/>> accessed June 2 2021.

Target 5.4

‘ Recognise and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate.’

The CEDAW asserts the equal rights and obligations of men and women in-regards to parenthood and “demand[s] fully shared responsibility for child-rearing by both sexes.”²²³ It also requires the provision and development of social services, in particular child-care facilities, to better enable individual’s fulfilment of family and work responsibilities.²²⁴ Target 5.4 embodies this equality principle, but has a more ambitious goal that captures the whole gamut of unpaid care and domestic work, not just child raising.

In all regions around the world, women devote more of their time to unpaid care work, as compared with men.²²⁵ This leads to less participation in activities outside the household and in the labor market.²²⁶ Progress on this target is important in and of itself, but is also essential for ensuring success for target 5.5, which aims to enhance women’s meaningful participation in the political, economic, and public spheres. Target 5.4 also outlines four policy areas to address unpaid care work: public services, infrastructure, social protection, and shared responsibility within the household.

Under this target, indicator 5.4.1 measures the proportion of time spent on unpaid domestic and care work, by sex, age and location. *Unpaid domestic and care work* is defined as “activities related to the provision of services for own final use by household members or by family members living in other households.”²²⁷ It includes “food preparation, dishwashing, cleaning and upkeep of the dwelling, laundry, ironing, gardening, caring for pets, shopping, installation, servicing and repair of personal and household goods, childcare, and care of the sick, elderly or disabled household and family members, among others.”²²⁸ Time-use surveys provide the main source of data. UN Statistics Division (UNSD) is the agency responsible for this indicator. ILO also has some useful data.

Based on data from 91 countries between 2001 and 2019, on average, women spend about 2.5 times as many hours as men on unpaid domestic and care work.²²⁹ In 2018, in Asia and the Pacific, women spent 4.1 times more time on unpaid care and domestic work than men.²³⁰ ILO data also shows that women are responsible for 80 per cent of domestic work, limiting their effective labour force participation.²³¹

The COVID-19 pandemic and the subsequent lock-down measures has confined people at home, and imposed increased burden of unpaid domestic work disproportionately on men and women. UN Women’s data suggests that 60 per cent of women and 54 per cent of men reported an increase in

²²³ CEDAW, article 16.

²²⁴ CEDAW, article 11.

²²⁵ OECD, ‘Enabling Women’s Economic Empowerment’ (June 03 2019) <<https://www.oecd-ibrary.org/sites/4d0229cd-en/index.html?itemId=/content/component/4d0229cd-en#figure-d1e414>>.

²²⁶ id.

²²⁷ UNSD, ‘Metadata 05-04-01’ <<https://unstats.un.org/sdgs/metadata/files/Metadata-05-04-01.pdf>>.

²²⁸ id.

²²⁹ info and progress ‘supra. <<https://sdgs.un.org/goals/goal5>>

²³⁰ ILO, ‘ILO: Women do 4 times more unpaid care work than men in Asia and the Pacific’ (June 27 2018) <https://www.ilo.org/asia/media-centre/news/WCMS_633284/lang--en/index.htm>.

²³¹ ILO, ‘World Employment and Social Outlook Trends 2020’ <https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_734455.pdf> accessed June 04 2021.

time spent on unpaid domestic work since the pandemic began.²³² 28 per cent of women, compared with 16 per cent of men, reported increased intensity of domestic work.²³³ Among the different types of unpaid care and domestic work, gender balance could be observed in pet care (13 per cent of increase in time for women and 14 percent for men).²³⁴ For all other types, women were more likely to increase their time: cooking and serving meals (32 per cent for women and 18 per percent for men), cleaning of clothes or household (45 per cent for women and 35 per cent for men), shopping for the family (25 per cent for women and 22 per cent for men), and decoration, repairs and household management (29 per cent for women and 24 per cent for men).²³⁵ Men were also more likely to report that they did not usually perform these activities.²³⁶

This gender imbalance was also reflected among the junior members in the household: 64 percent of parents noted a higher involvement of daughters, while only 57 per cent of parents noted a higher involvement of sons.²³⁷

During the pandemic, women also disproportionately performed unpaid care work within the household: 56 per cent of women and 51 per cent of men reported increased time spent on unpaid care work, and 33 per cent of women compared with 26 per cent of men increased time spent on at least three activities related to unpaid care work.²³⁸ Unsurprisingly, women were also more likely than men to increase time spent on caring for children, teaching, playing with, taking to, and reading to children, and providing affective/emotional support for adult family members.²³⁹ A positive note was that men were slightly more likely than women to increase time spent on assisting elderly, sick or disabled adults.²⁴⁰

Efforts taken at International and domestic level

China in April 2020, as part of the response to the COVID-19 pandemic, the national government announced a series of policies to support long-term care during the pandemic.²⁴¹ Though not explicitly stated as intended to relieving women's home care burden, these measures presumably could reduce the amount and difficulty of such work. In February 2021, a family court in Beijing, China issued a landmark ruling requiring a man to pay his wife for the housework she performed during their marriage. The woman was awarded 50,000 RMB (\$7,700) for five years of unpaid care and domestic work.²⁴² The judge indicated that "housework constitutes intangible property value."²⁴³

What More Needs to be Done: Some Cases

Around the world, special protection for women have sometimes being used to justify excluding women from holding certain jobs based on paternalistic views of employers who see women in their

²³² UN Women, 'Whose time to care: Unpaid care and domestic work during COVID-19' <https://data.unwomen.org/sites/default/files/inline-files/Whose-time-to-care-brief_0.pdf> accessed May 25 2021

²³³ id.

²³⁴ id.

²³⁵ id.

²³⁶ id.

²³⁷ id.

²³⁸ id.

²³⁹ id.

²⁴⁰ id.

²⁴¹ <<https://ltccovid.org/2020/04/18/report-from-mainland-china-policies-to-support-long-term-care-during-the-covid-19-outbreak/>>

²⁴² BBC News, 'China court orders man to pay wife for housework in landmark case' (February 24 2021) <<https://www.bbc.com/news/world-asia-china-56178510>>.

²⁴³ id.

roles as primary caregivers. Discrimination and gender differentials in labor laws have a cause and effect relation to women's status in the family. Many of the gender-based restrictions in labor laws relate to women's assumed care giving roles in the family or their biological differences shaped by women's maternal functions. Nigerian Labor Act in Section 55 (1) states that woman cannot be employed on night work in a public or private industrial undertaking or in any branch, or in any agricultural undertaking. Sierra Leone too restricts women's employment. The Employment Act in Section 47(1) states that women or girls of any age shall be employed or allowed to be for the purpose of employment in any mine below ground. Section 48 states that "No girl or woman of any age or boy who appears to be under eighteen years of age shall be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed". These provisions reinforce the stereotype that women are less hardworking, fragile and unable to take care of themselves. It denies women employment opportunities available to men. A list of work occupations that are prohibited for women in Russia lists 456 occupations and 38 industries that are considered too "arduous", "dangerous" or "harmful" to women's health, in particular to their reproductive health. The list was first adopted in the USSR in 1974 and was confirmed in 2000 by Russian Government Regulation No. 162 which allowed for exemptions only if safe working conditions were established by the employer. There is a tension between protecting the special needs of women and achieving equality of employment between men and women. A more dynamic conceptualization of women's roles and gender equality must be shaped by laws that envision women and men's roles in gender neutral terms.

Work/family obligations, traditionally thought to be private sphere activities outside the realm of the law are now becoming the lynchpin of gender equality in employment. Laws that view women only or primarily in their care giving functions can disadvantage women. What is needed instead is a more dynamic conceptualization of women's roles. This can be achieved through work family reconciliation laws that are gender neutral. Today the most critical determinant of gender equality in the workplace and at home is work/ place family reconciliation policies that shape both men and women's opportunities to provide care. The reexamination of the co-relation between protective gender laws and gender bias in hiring, firing and leaving employment must be seen as the first step in re-envisioning a more egalitarian workplace. There is a tension between protecting the special needs of women and achieving equality of employment between men and women. The nexus between gender discrimination in the home and workplace subordination can be combated only by workplace policies that facilitate greater male engagement in family care. Today one of the most critical determinants of gender equality is work place family reconciliation policies that shape both men and women's opportunities to provide care. For example, the United Kingdom's Equality Act of 2006 requires all public authorities, to have "due regard" for the promotion of equality between the sexes⁵³. The law states that the lack of shared caring responsibilities between women and men is often the single biggest cause of the pay gap. Thus, workplace regulations that support both fathers and mothers in taking more responsibility for caring for children is a key pre-determinant of gender equality in the workplace. Women's disproportionate share of family and caretaking responsibilities relates directly to the discrimination they face in the labor market and the subsequent inequalities in their economic progress. Unequal care giving policies undermine the rights of everyone in the family and create the feminization of poverty.

Sweden was one of the first countries to transform men and women's roles in the family. This created a paradigm shift around the world in understanding the dual roles of men and women in work and family. Responding to a United Nations request to report on the status of women, Sweden argued: "No decisive change in the distribution of functions and status as between the sexes can be achieved if the duties of the male in society are assumed to be unaltered". Women's disproportionate share of family and caretaking responsibilities relate directly to the discrimination they face in the labor market and subsequent inequalities in their social and economic progress. Gender discrimination in the home and workplace can be combated by workplace policies that facilitate greater

male engagement as caregivers in the lives of children. Labor laws that equalize employment opportunities for men and women by redistributing family leave benefits create an environment in which women are neither discriminated against nor stereotyped and men are better able to shoulder family and caregiving responsibilities. Unequal family leave policies impede gender equality both in the family and in public life. For example, in Guatemala, women are entitled to paid maternity leave of 30 days before and 54 days after child birth. On the other hand, men are entitled to two days of leave after child birth.

Critique

Indicator 5.4.1 captures only the initial step to achieving Target 5.4; that is, recognising women disproportionately devote more time to unpaid care and domestic work. More indicators should be formulated to reflect the full spectrum of the aspirations intended by the target: recognising unpaid care and domestic as ‘work,’ valuing such work, and enhancing international and national efforts to devise corresponding legislations, policies and/or programmes to reduce the burden on women in the division of household work.

Unlike Target 5.1, 5.2 and 5.3, which have a clearly-defined end goal, Target 5.4 does not provide stakeholders with a clear numerical level that needs to be achieved. The allocation of domestic work within a family unit, unlike discrimination or violence, has a less straightforward human rights dimension. From a policy-making perspective, this makes it more difficult to use strong languages like those used in the first three targets, and to come up with very clear-cut goals. Varying levels of gender stereotypes and women’s social status across the globe also make it unrealistic to adopt a one-size-fits-all approach for all countries when it comes to sharing domestic care and work. Hence the “as nationally appropriate” language.

As mentioned above, Target 5.4 outlines four areas of policy actions. Another area that can potentially supplement the list is education reform. In the United Nations Secretary-General’s High-Level Panel on Women’s Economic Empowerment in 2017, the Panel called for the fostering of “social norms change to redistribute care from women to men and ensure that care is their equal right and responsibility” throughout the education system.²⁴⁴

Target 5.5

‘Ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.’

The political aspect of Target 5.5 could be traced back to the Convention on the Political Rights of Women, adopted in 1952, which asserts women’s to vote, to be eligible for election, and to hold public office.²⁴⁵ The subsequent instruments provide more detailed illustrations of what women’s political participation should entail. Article 7 of the CEDAW calls on State Parties to commit to the promotion of women’s equal political rights and participation in political and public life.²⁴⁶ The Beijing Platform for Action includes as strategic objectives women’s equal access to and full partic-

²⁴⁴ id.

²⁴⁵ Convention on the Political Rights of Women

²⁴⁶ CEDAW

ipation in power structures and decision-making, and the increase of women's participation in decision-making and leadership.²⁴⁷ The UN Economic and Social Council resolution calls on governments, political parties, trade unions, and professional and other representative groups to adopt a 30 percent minimum proportion of women in leadership positions, with a view to achieving equal representation.²⁴⁸

Regarding women's economic empowerment, fundamental issues related to employment are addressed specifically under target 8.5 ("achieve full and productive employment and decent work for all women and men[...]and equal pay for work of equal value"), and target 5.5 focuses on women's participation at the leadership and decision-making level.

Indicator 5.5.1 is a quantitative indicator that measures the proportion of seats held by women in (a) national parliaments and (b) local governments. Data collected by UN Women shows that women serve as heads of State or Government in only 22 countries, and 119 countries have never had a female leader.²⁴⁹ It takes 130 years to reach gender parity in this regard at the current rate.²⁵⁰ In 10 countries, a woman serves as Head of State, and 13 countries have a female Head of Government (6.2 per cent).²⁵¹ Women accounted for only 21 per cent of government ministers, and only 14 countries had 50 percent or more women cabinets.²⁵² Women accounted for only and 24.7 per cent of health ministers positions and 13.2 per cent of financial and budget ministers positions. At the current rate, gender parity in ministerial positions will not be achieved until 2077.²⁵³

On average, women account for 25 percent of national parliament positions, an increase of 11 per cent since 1995 and 2.7 percent since 2015.²⁵⁴ Only four countries have 50 per cent or more women in parliament in single or lower houses: Rwanda (61 percent), Cuba (53 per cent), Bolivia (53 per cent), and the United Arab Emirates (50 percent). 19 countries have 40 percent or more women in parliament, including nine countries in Europe, five in Latin America and the Caribbean, four in Africa, and one in the Pacific.²⁵⁵ Most of these countries have gender quotas in place that aim at promoting women's representation in national parliaments.²⁵⁶ Across the globe, 27 countries have less than 10 percent of women in parliament in single or lower houses; four of these countries have no women in the single or lower chambers.²⁵⁷ Further, "[in] Latin America and the Caribbean, [...] Europe and Northern America, women hold more than 30 per cent of parliamentary seats."²⁵⁸ In Northern Africa and Western Asia and Oceania, women occupy less than 17 percent of national parliament seats. Pacific Island States has the lowest representation rate at 6 percent.²⁵⁹

²⁴⁷ Beijing Platform for Action

²⁴⁸ UN Economic and Social Council resolution. '<https://www.un.org/ga/search/view_doc.asp?symbol=E/1990/90>

²⁴⁹ UN Women, 'Facts and figures: Women's leadership and political participation. '<https://www.unwomen.org/en/what-we-do/leadership-and-political-participation/facts-and-figures#_edn14> accessed June 04 2021.

²⁵⁰ id.

²⁵¹ id. See also <https://data.unwomen.org/resources/covid-19-and-gender-monitor>.

²⁵² id.

²⁵³ id.

²⁵⁴ id.

²⁵⁵ id.

²⁵⁶ id.

²⁵⁷ id.

²⁵⁸ id.

²⁵⁹ id.

Regarding women's representation in local governments, data from 133 countries indicates that women account for 2.18 million (36 percent) elected members in deliberative bodies of local governments.²⁶⁰ Only two countries have more than 50 percent of women representation, and 18 countries with more than 40 percent.²⁶¹ Regional variations can also be observed: Central and Southern Asia, 41 per cent; Europe and Northern America, 35 per cent; Oceania, 32 per cent; Sub-Saharan Africa, 29 per cent; Eastern and South-Eastern Asia, 25 per cent; Latin America and the Caribbean, 25 per cent; Western Asia and Northern Africa, 18 per cent.²⁶²

Indicator 5.5.2 measures the proportion of females in the total number of person employed in managerial positions.²⁶³ Employment in managerial positions is determined based upon the latest version of the International Standard Classification of Occupations (ISCO-08).²⁶⁴ Data are collected from labor force surveys or similar types of national household surveys that examine employment.²⁶⁵ ILO is the responsible agency.

By 2019, women accounted for nearly 39% of global labour force and half of the world's working-age population, but occupied only 28.3% of managerial positions (up from 25 per cent in 2000)²⁶⁶. This proportion increased by 3 points since 2000. When women do get a job, they are often excluded from decision-making positions.²⁶⁷ In 2019, women accounted for 41 per cent of managerial positions in South-Eastern Asia and 40 per cent in Northern America, but only 8 per cent in Northern Africa.²⁶⁸

COVID Impact

The pandemic has exacerbated pre-existing gender gaps in the labor sector and women's economic insecurity. In Asia and the Pacific, 50 percent of women in formal employment reported decreases in working time, compared to 35 percent of men.²⁶⁹ In Europe and Central Asia, 25 percent of self-employed women reported job losses, compared to 21 percent of self-employed men.²⁷⁰ 740 million women currently work in informal economy and experienced a 60 percent income drop during the first month of the pandemic (81 per cent in sub-Saharan Africa and Latin America, 70 percent in Europe and Central Asia, and 22 per cent in Asia and the Pacific.).²⁷¹

Of all employment areas, feminized setons characterised by low pay and poor working conditions are more likely to be affected negatively by the pandemic.²⁷² Female employment is 19 percent

²⁶⁰ id.

²⁶¹ id.

²⁶² id.

²⁶³ UNSD, 'Metadata-05-05-02 ' <<https://unstats.un.org/sdgs/metadata/files/Metadata-05-05-02.pdf>>.

²⁶⁴ id.

²⁶⁵ Metadata-05-05-02 supra.

²⁶⁶ SDG 2020 Report. ' <<https://unstats.un.org/sdgs/report/2020/goal-05/>>

²⁶⁷ id.

²⁶⁸ id.

²⁶⁹ UN Women, 'From insights to action: Gender equality in the wake of COVID-19 ' <<https://www.un-women.org/-/media/headquarters/attachments/sections/library/publications/2020/gender-equality-in-the-wake-of-covid-19-en.pdf?la=en&vs=5142>> accessed June 04 2021.

²⁷⁰ id.

²⁷¹ id.

²⁷² id.

more at risk compared to male employment.²⁷³ 72 percent of domestic workers, 80 percent of whom are women, have lost their jobs as a result of the pandemic.²⁷⁴

Against the backdrop of the pandemic, it is critical to increase women's representation and achieve gender balance in leadership positions in relation to the pandemic. This is essential to ensuring that "gender dimensions and investments in gender equality are included in response and recovery legislation, economic packages and budgets during and after the pandemic."²⁷⁵

Critique

Political participation

Indicator 5.5.1 captures women's parliamentary and local government representation, calculating seats held by women at the national parliaments and local governments. Number of seats is an easily measurable item (and methodologically more reliable), as can be seen from the upgrade of the indicator from a Tier II to a Tier I indicator.²⁷⁶ Nonetheless, using this indicator as a measurement of women's level of political participation embodies the idea that simply "sitting women at the table" would be a sufficient realisation of gender equality. Relying only on this indicator to track women's participation and decision-making power in the political sphere is insufficient, as the indicator fails to take into account representation at civil organisations and international bodies. Also worth considering is while Indicator 5.5.1 only encapsulates representation in the judicial branch, whether the addition of representation in the executive and judicial branch provide a more holistic picture of women's involvement in the political world.

Indicator 5.5.2 is limited in the similar regard, in the sense that it fails to identify and acknowledge that the lack of female representation at decision-making and management level is due to structural issues. Combined, these two indicators still subscribe to the flawed idea that more positions occupied by women equates to more effective and empowering participation of women in the public and private sphere.

Target 5.6

'Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences.'

An individual's reproductive and sexual right is an indispensable component of her human rights, including the right to life, the right to be free from torture, the right to privacy, the right to education, and the right to be free from discrimination.²⁷⁷ The CEDAW guarantees women's equal rights in deciding "freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights."²⁷⁸ In Article 10, it

²⁷³ id.

²⁷⁴ id.

²⁷⁵ id.

²⁷⁶ UN Stats, 'SDG Indicator changes (15 October 2018 and onward)*' <https://unstats.un.org/sdgs/files/List_of_changes_since_15_Oct_2018.pdf> accessed June 3 2021.

²⁷⁷ OHCHR, 'Sexual and reproductive health and rights' <<https://www.ohchr.org/en/issues/women/wrgs/pages/healthrights.aspx>> accessed June 04 2021.

²⁷⁸ CEDAW.

articulates that women's right to education includes "access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning."²⁷⁹ The Beijing Platform for Action recognises that "the human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence."²⁸⁰

The Committee on Economic, Social and Cultural Rights (CESCR) General Comment 14 explains the International Covenant on Economic, Social and Cultural Rights, and states that Article 12.2(a) of the Covenant requires states to "improve [...] maternal health, sexual and reproductive health services, including access to family planning, pre- and post-natal care, emergency obstetric services and access to information, as well as to resources necessary to act on that information."²⁸¹ General Comment 22 recommends states "to repeal or eliminate laws, policies and practices that criminalise, obstruct or undermine access by individuals or a particular group to sexual and reproductive health facilities, services, goods and information."²⁸²

Indicator 5.6.1 and 5.6.2 measure the legal and regulatory framework for sexual and reproductive health and reproductive rights, as well as women's reproductive decision-making. The two indicators are designed to complement each other and offer a "complementary examination of whether a country has a positive enabling legal and normative framework, and whether its provisions go the last mile to empower all women and girls."²⁸³ Indicator 5.6.1 measures the proportion of women aged 15–49 years who make their own informed decisions regarding sexual relations, contraceptive use and reproductive health care.²⁸⁴ This indicator reflects whether women, irrespective of the country's legal framework, are able to decide on their sexual and reproductive health and reproductive rights. To be considered autonomous and empowered in one's reproductive rights, a woman needs to confirm that they make their own decisions in all three areas: consensual sexual relations, contraceptive use, and seeking reproductive health care for themselves. For sexual relations, the respondent needs to answer affirmatively to the question ("can you say no to your husband/partner if you do not want to have sexual intercourse?").²⁸⁵ For contraceptive use, the respondent needs to select either mainly respondent or joint decision ("who usually makes the decision on whether or not you should use contraception?").²⁸⁶ For reproductive healthcare, respondent should answer "you" or "you and your husband/partner jointly" to the question (who usually makes decision about health care for yourself?).²⁸⁷ Data are collected from national household

²⁷⁹ *id.*

²⁸⁰ Beijing Declaration and Platform for Action. '<https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/pfa_e_final_web.pdf?la=en&vs=1203>

²⁸¹ Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights, General Comment No. 14 (2000). '<<https://docstore.ohchr.org/Self-Services/FilesHandler.ashx?enc=4slQ6QSmlBEDzFEovLCuW1AVC1NkPs-gUedPIF1vfPMJ2c7ey6PAz2qaojTzDJmC0y%2b9t%2bsAtGDNzdEqA6SuP2r0w/6sVBGTpv-TSCbiOr4XVFTqhQY65auTFbQRPWNDxL>>

²⁸² General comment No. 22 (2016) on the right to sexual and reproductive health (article 12 of the International Covenant on Economic, Social and Cultural Rights). '<<https://docstore.ohchr.org/Self-Services/FilesHandler.ashx?enc=4slQ6QSmlBEDzFEovLCuW1a0Szab0oX-TdImnsJZZVQfQejF41Tob4CvIjeTiAP6sGFQktiae1vlbbOAekmaOwDOW-sUe7N8TLM%2bP3HJPzxiHySkUoHMavD/pyfcp3YlZg>>

²⁸³ UNFPA, 'Tracking women's decision-making for sexual and reproductive health and reproductive rights.' '<https://www.unfpa.org/sites/default/files/resource-pdf/20-033_SDG561-BrochureA4-v1.21.pdf> accessed June 04 2021.

²⁸⁴ *id.*

²⁸⁵ *id.*

²⁸⁶ *id.*

²⁸⁷ *id.*

surveys administered by individual countries. UNFPA is the custodian agency for this target's indicators.

Data from 57 countries shows that, as of early 2020, only 55 percent of married or in-union women aged 15 to 49 make their own decisions regarding sexual and reproductive health and rights.²⁸⁸ The proportion varies across regions, with in Middle Africa and Western Africa in the lower end (less than 40 percent) and some countries in Europe, South-eastern Asia, Latin America and the Caribbean in the higher end (nearly 80 percent).²⁸⁹ The level of autonomy and empowerment also varies across the three sub-indicators: women seem to be most autonomous on contraceptive use (global average 91 percent), but lack autonomy on consensual sex (about 75 percent).²⁹⁰

Indicator 5.6.2 measures the number of countries with laws and regulations that guarantee full and equal access to women and men aged 15 years and older to sexual and reproductive health care, information and education. It aims to “provide the first comprehensive global assessment of legal and regulatory frameworks regarding access to [sexual and reproductive health and reproductive rights].”²⁹¹ The goal of the indicator is to “increase the number of countries with laws and regulations that guarantee women and men full and equal access to sexual and reproductive health care, information and education, and to compel countries to remove legal barriers that interfere with this full and equal access.”²⁹² The indicator assesses 13 components in four sectors:

- maternity care (maternity care, life-saving commodities, legal status of abortion, post-abortion care)
- comprehensive sexuality education (CSE) and information (CSE law, CSE curriculum)
- contraception and family planning (contraception, consent for contraceptive services, emergency contraception)
- sexual health and well-being (HIV testing and counselling, HIV treatment and care, confidentiality of health status for men and women living with HIV, HPV vaccine)

Among the 75 countries which reported complete data, on average, countries have in place 73 percent of the laws and regulations needed to guarantee full and equal access to sexual and reproductive health rights.²⁹³ When it comes to HIV, the findings are encouraging: on average, countries have in place 87 percent of laws and regulations for HIV counselling and test services, 91 per cent for HIV treatment, and 96 percent for HIV confidentiality.²⁹⁴ Additionally, countries have on average 79 percent of laws and regulations in place that mandate full, free, and informed consent for contraceptive services.²⁹⁵ Achievements in maternity care and life-saving commodities are also encouraging (87 and 88 percent of laws and regulations in place, respectively).²⁹⁶

²⁸⁸ id.

²⁸⁹ id.

²⁹⁰ id.

²⁹¹ UNFPA, ‘Legal Commitments for Sexual and Reproductive Health and Reproductive Rights for All ’ <<https://www.unfpa.org/sites/default/files/resource-pdf/UNFPA-SDG562-A4-Brochure-v4.15.pdf>> accessed June 04 2021.

²⁹² id.

²⁹³ id.

²⁹⁴ id.

²⁹⁵ id.

²⁹⁶ id.

Countries on average are most lacking in formulating laws and regulations for CSE curriculum (57 percent).²⁹⁷ Other components that require improvement include: HPV vaccine (45 percent), legal status of abortion (31 percent), and emergency contraception (69 percent).²⁹⁸

There are regional divides for this indicator. Northern Africa has only 45 percent of laws and regulations in place, followed by Southern Asia (60 percent) and Latin America and the Caribbean (66 percent). New Zealand has the highest level (94 percent), followed by Europe (84 percent) and Eastern Asia (83 percent). The five countries with the highest overall score are Sweden (100), Uruguay (99), Cambodia (98), Finland (98) and Netherlands (98). The five countries with the lowest overall score are South Sudan (16), Trinidad and Tobago (32), Libya (33), Iraq (39) and Belize (42).

Target 5.A

‘Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.’

Women’s rights to land and property are essential for the realisation for gender equality. Several international human rights instruments reference women’s equal rights to the access, use, and control over land. The Universal Declaration of Human Rights recognises women’s equal rights to property.²⁹⁹ The International Covenant on Economic, Social and Cultural Rights calls on States parties to “undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant” and prohibits discrimination based on sex.³⁰⁰

CEDAW calls on States parties to end discrimination against women in laws, policies and practices, including through the adoption of temporary special measures.³⁰¹ Article 15.2 obliges States to accord women equal legal capacity in civil matters, in particular “equal rights to conclude contracts and to administer property.”³⁰² Article 16.1 (h) obliges States to ensure “the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.”³⁰³

Target 5.A has two indicators under it, both of which FAO is the custodian agency. Both indicator concern land control and/or ownership, and this focus on land reflects the idea that land is a key economic resource. Indicator 5.A.1 is a quantitative indicator, and it measures (a) the proportion of total agricultural population with ownership or secure rights over agricultural land, by sex; and (b) share of women among owners or rights-bearers of agricultural land, by type of tenure.³⁰⁴ Part (a) measures how prevalent ownership or secure rights over agricultural land are in the reference population.³⁰⁵ Part (b) measures the share of women among owners or rights-bearers of agricultural land

²⁹⁷ id.

²⁹⁸ id.

²⁹⁹ The Universal Declaration of Human Rights

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³⁰¹ CEDAW citation.

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³⁰⁴ UN, ‘targets and indicators.’ <<https://sdgs.un.org/goals/goal5>>

³⁰⁵ FAO, ‘Sustainable Development Goals’ <<http://www.fao.org/sustainable-development-goals/indicators/5a1/en/>>

and can be used to assess the under-representation of women among owners or holders of agricultural land.³⁰⁶

A study from 2015 published by the FAO shows that out of the 10 countries surveyed, only Ecuador has a higher proportion of female agricultural landowners than male agricultural landowners within the agricultural population.³⁰⁷ In the other countries surveyed, relatively fewer women than men have ownership and/or secure tenure rights over agricultural land.³⁰⁸ Globally, women account for only 12.8% of agricultural landholders.³⁰⁹ In the nine countries surveyed, men own a larger proportion of the land area than women.³¹⁰

The study also shows that out of the ten countries surveyed, there are three where female landowners outnumber men.³¹¹ In Malawi, the relative share of women landowners exceeds 55%.³¹² In the few countries with more than one data point, however, there appears a narrowing of the gap between the percentage of men and the percentage of women with ownership and/or secure tenure rights over agricultural land.³¹³

Indicator 5.A.2 is a qualitative indicator, which measures the proportion of countries where the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control. It measures the extent of women's disadvantages in ownership of and rights to land, as well as equal legal rights to land ownership.³¹⁴ This indicator collects all existing national policy objectives, draft provisions, legal provisions and implementing legislation that reflect good practices in guaranteeing women's equal rights to land ownership and/or control.³¹⁵ The inclusion of this indicator "acknowledges that greater equality in the ownership and control over land contributes to economic efficiency and has positive multiplier effects for the achievement of a range of other SDGs including poverty reduction (Goal 1), food security (Goal 2) and the welfare of households, communities and countries (Goals 3, 11 and 16, among others)."³¹⁶

FAO suggests that in many countries, "[l]egal frameworks fail to provide enough guarantees for gender equality in ownership and/or control over land," and [s]ubstantial progress is still needed both in law formulation and implementation to realise women's land rights."³¹⁷ Its global assessment of 16 notational legal frameworks shows that many countries lack legal provisions that provide adequate protection of women's rights to land.³¹⁸ The degree to which the legal framework guarantees women's equal rights to land ranges from very low to medium in more than 60 per cent

³⁰⁶ id.

³⁰⁷ FAO, 'Recent developments in FAO's Gender and Land Rights Database ' <<http://www.fao.org/3/i4862e/i4862e.pdf>>, at page 10.

³⁰⁸ id. at 28.

³⁰⁹ id. at page 7.

³¹⁰ id. at page 14.

³¹¹ FAO, 'Sustainable Development Goals ' <<http://www.fao.org/sustainable-development-goals/indicators/5a1/en/>> accessed June 04 2021.

³¹² id.

³¹³ id.

³¹⁴ FAO, 'Sustainable Development Goals ' <<http://www.fao.org/sustainable-development-goals/indicators/5a2/en/>> accessed June 04 2021.

³¹⁵ id.

³¹⁶ FAO, 'Achieving SDG Indicator 5.a.2 In The Western Balkans And Beyond. ' <<http://www.fao.org/3/cb0173en/CB0173EN.pdf>>, at page 3.

³¹⁷ FAO, 'Sustainable Development Goals ' <<http://www.fao.org/sustainable-development-goals/indicators/5a2/en/>> accessed June 04 2021.

³¹⁸ id.

of assessed countries, and only 12 per cent of assessed countries guarantee a very high degree of protection for gender equality in land ownership and/or control.³¹⁹ FAO further illustrates that:

“Disaggregated data by six key criteria for this type of legal framework suggest that legal provisions that mandate or incentivise joint registration of land in married couples are lacking in most countries. Without the inclusion of women’s names and rights on the land registration document, women’s property rights remain insecure, particularly for women who separate, divorce, or become abandoned or widowed. In such situations, women may be forced to undertake costly legal action to claim their rights.

In countries in which legal pluralism prevails (where the formal law coexists with customary laws), women land rights are less protected. For instance, in countries where some aspects of customary laws override constitutional provisions, women’s land rights are less safeguarded, particularly when it comes to inheritance or matrimonial rights. Likewise, where customary law is recognised, very often the rights of women are not protected if they conflict with the formal law and are more likely to be endangered by entrenched patriarchal norms.”³²⁰

According to the 2021 SDG Progress report, data from 36 countries suggests that substantial improvement has been achieved in equal inheritance rights (69%), and to a lesser extent in spousal consent for land transactions (61%). Areas pertaining to land registration, customary law and women’s representation in land governance, among others, are still lagging behind.³²¹

In addition to land ownership, target 5.A also aspires to ensure women equal rights ‘and access to other forms of economic resources, though there are no official indicators measuring “[access to] other forms of property, financial services, inheritance and natural resources.” Regarding women’s access to financial services, on the whole, women are less likely to have a bank account than men: a 2017 World Bank report shows that globally, 65 percent of women have a bank account and 72 percent of men do.³²² In developing countries, 67 percent of men have an account while only 59 percent of women do.³²³ This gender gap has not improved substantially from 2011.³²⁴

Target 5.B

‘Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women.’

Target 5.B recognises the increasing importance of information and communications technology (ICT) and aims to harness it as a powerful tool for female empowerment. It is estimated that 90% of future jobs will require ICT knowledge and skills, and ICT-related fields, including computer, mathematical, architecture, and engineering fields.³²⁵ Mobile phone ownership, in particular, is an important metric that reflects gender equality, since it “provides women with a degree of independence and autonomy, including for professional purposes.”³²⁶

³¹⁹ id.

³²⁰ id.

³²¹ progress and info. ’<<https://sdgs.un.org/goals/goal5>>

³²² The Global Findex Database. ’<https://globalfindex.worldbank.org/sites/globalfindex/files/chapters/2017%20Findex%20full%20report_chapter1.pdf> at page 23.

³²³ id.

³²⁴ id.

³²⁵ ITU, ‘ICT, Reshaping the future: Women, girls and tech for development ’<<https://news.itu.int/reshaping-future-women-girls-icts/>>

³²⁶ UNSD, ‘Metadata-05-0B-01 ’<<https://unstats.un.org/sdgs/metadata/files/Metadata-05-0B-01.pdf>>.

Indicator 5.B.1 measures the proportion of individuals who own a mobile telephone, by sex.³²⁷ An individual owns a mobile phone if “he/she has a mobile cellular phone device with at least one active SIM card for personal use.”³²⁸ Data are generated based on an annual survey that ITU sends to individual countries.³²⁹

In the 66 countries and territories with data for 2017 to 2019, mobile phone ownership among women was on average 8.5 percentage point lower than for men.³³⁰ In about one third of the economies surveyed, women’s mobile phone ownership is close to parity to that of men.³³¹ In 12 of these 69 economies, more women own phones than men, while in 26 countries, men’s mobile ownership is substantially higher than that of women.³³² The gender gap in mobile ownership is most pronounced in South America.³³³ Country-specific data shows that the mobile phone gender gap is 23 percent in India, 33 per cent in Bangladesh and 45 percent in Pakistan (2018 data).³³⁴ The gender gap ranges from 12 percent in South Africa to 60 percent in Rwanda.³³⁵

Internet usage ITU’s 2020 report shows that in 2019, an estimated 55 percent of the male population was using the Internet, compared with 48 percent of the female population.³³⁶ The gender gap in internet usage is higher in developing countries (9%) than developed countries (2%).³³⁷ In developing countries, less than half of the women population use the internet.³³⁸ Africa has the highest gender gap in internet usage (17%), followed by Arab states (14%) and Asia and Pacific (7%).

Between 2013 and 2019, the gender gap approximated zero in the Americas and has been shrinking in Europe.³³⁹ However, the gender gap has been growing in the Arab States, Asia and the Pacific, and Africa, because more of the extra internet users since 2013 have been men than women.³⁴⁰

Regional data Within the EU, 14 percent of women have never used the internet, compared with 12 percent of men.³⁴¹ The gender divides are more pronounced in advanced IT skills, tertiary education, employment and decision-making in the digital sector.³⁴² Girls and women are less likely to

³²⁷ targets and indicators. '<https://sdgs.un.org/goals/goal5>'

³²⁸ Metadata-05-0B-01, supra.

³²⁹ id.

³³⁰ Info and progress '<https://sdgs.un.org/goals/goal5>

³³¹ ITU, 'Measuring digital development Facts and figures 2020.' '<https://www.itu.int/en/ITU-D/Statistics/Documents/facts/FactsFigures2020.pdf>', at page 11.

³³² id.

³³³ id.

³³⁴ ITU, 'Women, ICT and emergency telecommunications: opportunities and constraints.' '<https://www.itu.int/en/ITU-D/Emergency-Telecommunications/Documents/events/2020/Women-ICT-ET/Full-report.pdf>' at page 10

³³⁵ id.

³³⁶ ITU, 'Measuring digital development Facts and figures 2020' '<https://www.itu.int/en/ITU-D/Statistics/Documents/facts/FactsFigures2020.pdf>' at page 8.

³³⁷ id.

³³⁸ id.

³³⁹ ITU, 'Bridging the gender divide' (November 2019) '<https://www.itu.int/en/mediacentre/backgrounders/Pages/bridging-the-gender-divide.aspx#:~:text=Challenges%20and%20solutions-,A%20substantial%20divide%20persists%20between%20women%20and%20men%20and%20between.gap%20is%2017%20per%20cent.>'

³⁴⁰ id.

³⁴¹ Gender equality in the EU’s digital and media sectors. '<https://www.europarl.europa.eu/cms-data/139421/EPRS-briefing-614695-Women-and-the-media-FINAL.pdf>', at page 1.

³⁴² id.

continue studying science and technology beyond the age of 15, enter or continue a career in ICT, reach specialist and managerial levels or start their own tech companies.³⁴³ Men are more likely than women to possess digital skills, use PC on a daily basis, go online through mobile devices, read news online, and make online purchases.³⁴⁴ In only four EU Member States, the proportion of women who use a computer daily is higher than that of men.³⁴⁵ In 2016, 4 percent of women created websites or blogs, compared with 6 percent of men.³⁴⁶

Another 2018 European Parliament report shows that women are under-represented and make less money than men in the ICT sector.³⁴⁷ Only 9 percent of developers and 19 percent of people in management positions in the ICT sector were women.³⁴⁸ In 2015, 17.2 percent of ICT students and 16.7 percent of employed ICT specialist were women. On average, women earned 18.9 percent less than men in this sector.³⁴⁹ In 2012, across the EU, women occupy less than 30 percent of ICT sector jobs.³⁵⁰

Critique

One of the most apparent flaws is that while ICTs capture a wide range of technologies, including internet, wireless networks, cell phones, computer and software, there is only one indicator that measures the ownership of cell phone. Ownership does not necessarily equate with informed use, and where data available, additional indicators should be formulated to measure access (and possibly the skill level) to computer and internet.

Target 5.C

'Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.'

Target 5.C examines national efforts to promote gender equality from a systemic, procedural perspective. The Beijing Declaration and Platform of Action recognises the importance of “the integration of a gender perspective in budgetary decisions on policies and programmes,” and “adequate financing of specific programmes for securing equality between men and women.”³⁵¹

The 2030 Agenda for SDG, though not setting a specific target, endeavours to achieve “a significant increase in investments to close the gender gap and strengthen support for institutions in relation to gender equality and the empowerment of women at the global, regional and national levels.”³⁵²

³⁴³ id.

³⁴⁴ id.

³⁴⁵ id.

³⁴⁶ id.

³⁴⁷ European Parliament, 'Gender equality in the EU's digital and media sectors' (March 2018)

<<https://www.europarl.europa.eu/news/en/headlines/society/20180301STO98927/more-women-in-ict-empowering-women-in-the-digital-world>>.

³⁴⁸ id.

³⁴⁹ id.

³⁵⁰ European Parliament, 'Women in ICT' (2012) <https://www.europarl.europa.eu/RegData/etudes/note/join/2012/462469/IPOL-FEMM_NT%282012%29462469_EN.pdf> at page 6

³⁵¹ Beijing Platform for Action. Para 345, 346.

³⁵² 2030 Agenda.

Target 5.C encompasses one indicator, 5.c.1, which measures the percentage of governments with systems to track and make public resource allocations for gender equality.³⁵³ This indicator captures characteristics of a country's fiscal system and aims to encourage national governments to implement budget trading and monitoring systems and endeavour to be transparent about information regarding budget allocations for gender equality and women's empowerment (GEWE).³⁵⁴ It assesses three criteria: first, if a government has "programs/policies and resource allocations to foster GEWE"; second, "if a government has planning and budget tools to track resources for GEWE throughout the public financial management cycle"; and third, if a government has provisions to make allocations for GEWE publicly available.³⁵⁵ A country would need to satisfy all three criteria. Questionnaires with questions assessing these three criteria will be sent to each country's Ministry of Finance or agency in charge of government budget.³⁵⁶ UN Women, in collaboration with OECD and UNDP, are responsible for the data under this indicator.

In 2018, 81% of 69 countries with data required improvements to track budget allocations for gender equality.³⁵⁷ This means only 13 countries have a tracking system in place to monitor gender budget allocations and make them publicly available.

Additional data from UN Women shows that progress under this target remains to be achieved. At the national level, resources allocated to promoting gender equality are consistently low.³⁵⁸ A study on spending shows that in 24 countries in the Americas and the Caribbean, budget allocated to the elimination of gender-based violence accounted for less than one per cent of the national budget.³⁵⁹

Critique

Indicator 5.c.1 is not an indicator of quantity or quality of budget allocation.³⁶⁰ Instead, it looks at whether a country has programmes/policies dedicated to the promotion of GEWE, and whether it also has mechanisms to track budget allocations and that make information publicly available.³⁶¹ It is process-oriented and does not provide data on either the sufficiency or quality of the budget.³⁶² In other words, a country may have well-formulated programmes in place, but lacks the appropriate resource to implement the programmes.

As mentioned above, the 2030 Agenda commits to the increase in investments, but we are unable to tell this aspect from this indicator, and at least under Goal 5, there is no indicator specifically dedicated to the allocation of resources/budget for GEWE programmes/policies.

³⁵³ Metadata for indicator 5.c.1. <https://unstats.un.org/sdgs/metadata/files/Metadata-05-0c-01.pdf>

³⁵⁴ id.

³⁵⁵ id.

³⁵⁶ id.

³⁵⁷ progress and info. '<https://sdgs.un.org/goals/goal5>>

³⁵⁸ UN Women, 'Facts and figures: Governance and National Planning' '<https://www.unwomen.org/en/what-we-do/governance-and-national-planning/facts-and-figures#notes>> accessed June 04 2021.

³⁵⁹ id.

³⁶⁰ Metadata repository supra. Indicator 5.c.1 sheet.

³⁶¹ id.

³⁶² id.