

Indicator 5.1.1

Indicator Name, Target and Goal

Indicator 5.1.1 Whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex

Target 5.1 End all forms of discrimination against all women and girls everywhere

Goal 5 Achieve gender equality and empower all women and girls

Definition and Rationale

Definition

This indicator measures government efforts to put in place legal frameworks that promote, enforce and monitor gender equality. The legal frameworks are assessed using a questionnaire comprising 45 binary questions under four areas: overarching legal frameworks and public life; violence against women; employment and economic benefits; marriage and family.

Concepts

The term “legal frameworks” is defined broadly to encompass laws, mechanisms and policies/plans to promote, enforce and monitor gender equality.

Questionnaire

Area 1: Overarching legal frameworks and public life

Promote

1. If customary law is a valid source of law under the constitution, is it invalid if it violates constitutional provisions on equality or nondiscrimination?
2. If personal law is a valid source of law under the constitution, is it invalid if it violates constitutional provisions on equality or nondiscrimination?
3. Is there a discrimination law that prohibits both direct and indirect discrimination against women?
4. Do women and men enjoy equal rights and access to hold public and political office (legislature, executive, judiciary)?
5. Are there quotas for women (reserved seats) in national parliament?
6. Are there quotas for women in candidate lists for national parliament?
7. Do women and men have equal rights to confer citizenship to their spouses and their children?

Enforce and monitor

8. Does the law establish a specialized independent body tasked with receiving complaints of discrimination based on gender (e.g., national human rights institution, women's commission, ombudsperson)?
9. Is legal aid mandated in criminal matters?
10. Is legal aid mandated in civil/family matters?
11. Does a woman's testimony carry the same evidentiary weight in court as a man's?
12. Are there laws that explicitly require the production and/or dissemination of gender statistics?
13. Are there sanctions for noncompliance with mandated quotas for women or incentives to include women on candidate lists for national parliamentary elections?

Area 2: Violence against women

Promote

14. Is there legislation on domestic violence that includes physical violence?
15. Is there legislation on domestic violence that includes sexual violence?
16. Is there legislation on domestic violence that includes psychological/emotional violence?
17. Is there legislation on domestic violence that includes financial/economic violence?
18. Have provisions exempting perpetrators from facing charges for rape if the perpetrator marries the victim after the crime been removed, or never existed in legislation?
19. Have provisions reducing penalties in cases of so called honor crimes been removed, or never existed in legislation?
20. Are laws on rape based on lack of consent, without requiring proof of physical force or penetration?
21. Does legislation explicitly criminalize marital rape
22. Is there legislation that specifically addresses sexual harassment?

Enforce and monitor

23. Are there budgetary commitments provided for by government entities for the implementation of legislation addressing violence against women by creating an obligation on government to provide budget or allocation of funding for the implementation of relevant programmes or activities?
24. Are there budgetary commitments provided for by government entities for the implementation of legislation addressing violence against women by

allocating a specific budget, funding and/or incentives to support non-governmental organizations for activities to address violence against women?

25. Is there is a national action plan or policy to address violence against women that is overseen by a national mechanism with the mandate to monitor and review implementation?

26. Is there is a national action plan or policy to address violence against women that includes specific targets and benchmarks?

Area 3: Employment and economic benefits

Promote

27. Does the law mandate nondiscrimination on the basis of gender in employment?

28. Does the law mandate equal remuneration for work of equal value?

29. Does the law allow women to do the same jobs as men?

30. Does the law allow women to work the same night hours as men?

31. Does the law provide for maternity or parental leave available to mothers in accordance with the ILO standards?

32. Does the law provide for paid paternity or parental leave available to fathers or partners?

Enforce and monitor

33. Is there a public entity that can receive complaints on gender discrimination in employment?

34. Is childcare publicly provided or subsidized?

Area 4: Marriage and family

Promote

35. Is the minimum age of marriage at least 18, with no legal exceptions, for both women and men?

36. Do women and men have equal rights to enter marriage (i.e. consent) and initiate divorce?

37. Do women and men have equal rights to be legal guardian of their children during and after marriage?

38. Do women and men have equal rights to be recognized as head of household or head of family?

39. Do women and men have equal rights to choose where to live?

40. Do women and men have equal rights to choose a profession?

41. Do women and men have equal rights to obtain an identity card?

42. Do women and men have equal rights to apply for passports?

43. Do women and men have equal rights to own, access and control marital property including upon divorce?

Enforce and monitor

44. Is marriage under the legal age void or voidable?

45. Are there dedicated and specialized family courts?

○ Rationale and Interpretation

Equality and non-discrimination on the basis of sex are core principles under the international legal and policy framework, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which has 189 States parties, and the Beijing Platform for Action. This framework sets out the commitments of States to eliminate discrimination against women and promote gender equality, including in the area of legal frameworks.

In the Beijing Platform for Action, States pledged to revoke any remaining laws that discriminate on the basis of sex. The five-year review and appraisal of the Beijing Platform for Action (Beijing + 5) established 2005 as the target date for the repeal of laws that discriminate against women. This deadline has come and gone. While there has been progress in reforming laws to promote gender equality, discrimination against women in the law continues in many countries. Even where legal reforms have taken place, gaps in implementation persist.

Removing discriminatory laws and putting in place legal frameworks that advance gender equality are prerequisites to ending discrimination against women and achieving gender equality (Goal 5, Target 5.1). Indicator 5.1.1 will be crucial in accelerating progress on the implementation of SDG 5 and all other gender-related commitments in the 2030 Agenda for Sustainable Development.

Data Sources and Collection Method

The data for the indicator are derived from an assessment of legal frameworks using primary sources/official government documents, in particular laws, policies/action plans. The assessment is carried out by national counterparts, including National Statistical Offices (NSOs) and/or National Women's Machinery (NWMs), and legal practitioners/researchers on gender equality, using the questionnaire.

Countries are asked to designate a focal point to undertake the coordination at the country level necessary for the collection and validation of the data. Most designated focal points are within the NWMs, a number are within the NSOs and some are within both the NWMs and the NSOs. After verification, the data with relevant laws, polices and other sources included, are sent to the designated

focal points/country counterparts to review and validate. Final answers are arrived at after the process of validation with country counterparts.

Method of Computation and Other Methodological Considerations

○ Computation Method

The answers to the questions are coded with simple “Yes/No” answers with “1” for “Yes” and “0” for “No”. For questions 1 and 2 only, they may be scored “N/A” as well as “1” or “0”. In countries where customary or personal law does not apply, these questions are scored as “N/A” and are not included as part of the overall score calculation for the area “overarching legal frameworks and public life”.

The scoring methodology is the unweighted average of the questions under *each area* of legal frameworks calculated by:

$$A_i = \frac{q_1 + \dots + q_{m_i}}{m_i}$$

where A_i refers the area of legal frameworks i ; m_i refers to the total number of questions under the area of legal frameworks i ; and $q_i = 1$ if the answer is “Yes” and $q_i = 0$ if the answer is “No”.

Results of the four areas are reported as percentages as a dashboard: A_1, A_2, A_3, A_4 . The choice of presenting all four area scores without further aggregation is the result of adopting the posture that high values in one area in a given country need not compensate in any way the country having low values in some other area, and that a comprehensive examination of the value of those four numbers for each country is potentially more informative than trying to summarize all four numbers into a single index.

The score for each area (a number between 0 and 100) represents the percentage of achievement of that country in that area, with 100 being best practice met on all questions in the area.

○ Comments and limitations

To avoid duplication, the indicator does not cover areas of legal frameworks that are addressed under indicator 5.a.2, ‘Proportion of countries where the legal framework (including customary law) guarantees women’s equal rights to land ownership and/or control’, and indicator 5.6.2, ‘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’. Indicator 5.1.1 complements these other

indicators.

Data Disaggregation

N/A

References

Official SDG Metadata URL

<https://unstats.un.org/sdgs/metadata/files/Metadata-05-01-01.pdf>

Internationally agreed methodology and guideline URL

https://unstats.un.org/sdgs/files/meetings/iaeg-sdgs-meeting-07/Tier%20re-classification%20requests_web.zip (see Tier re-classification requests/5.1.1)

Other references

World Bank Group: <http://wbi.worldbank.org/>

OECD Development Centre: <http://www.genderindex.org/>

UN-Women: <http://data.unwomen.org/en>

Custodian Ministries of Data

Cabinet Office

Custodian Ministries of Related Policies

Cabinet Office

Ministry of Internal Affairs and Communications

Ministry of Justice

Ministry of Foreign Affairs

Agency for Cultural Affairs, Ministry of Education, Culture, Sports, Science and Technology

Ministry of Health, Labour and Welfare

National Personnel Authority

International Organizations

UN Women,

World Bank,

Organisation for Economic Co-operation and Development (OECD)

Development Centre