

Indicator 5.6.2

Indicator Name, Target and Goal

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

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

Goal 5 Achieve gender equality and empower all women and girls

Definition and Rationale

○ Definition

Sustainable Development Goal (SDG) Indicator 5.6.2 seeks to measure the extent to which countries have national 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.

The indicator is a percentage (%) scale of 0 to 100 (national laws and regulations exist to guarantee full and equal access), indicating a country's status and progress in the existence of such National laws and regulations. Indicator 5.6.2 measures only the existence of laws and regulations; it does not measure their implementation.

○ Concepts

Laws: laws and statutes are official rules of conduct or action prescribed, or formally recognized as binding, or enforced by a controlling authority that governs the behavior of actors (including people, corporations, associations, government agencies). They are adopted or ratified by the legislative branch of government and may be formally recognized in the Constitution or interpreted by courts. Laws governing sexual and reproductive health are not necessarily contained in one law.

Regulations: are executive, ministerial, or other administrative orders or decrees. At the municipal level, regulations are sometimes called ordinances. Regulations and ordinances issued by governmental entities have the force of law, although circumscribed by the level of the issuing authority. Under this

methodology, only regulations with the national-level application are considered.

Restrictions: many laws and regulations contain restrictions in the scope of their applicability. Such restrictions, which include, though are not limited to, those by age, sex, marital status, and requirement for third party authorization, represent barriers to full and equal access to sexual and reproductive health care, information, and education.

Plural legal systems: are defined as legal systems in which multiple sources of law co-exist. Such legal systems have typically developed over a period because of colonial inheritance, religion, and other socio-cultural factors. Examples of sources of law that might co-exist under a plural legal system include English common law, French civil or other law, statutory law, and customary and religious law. The co-existence of multiple sources of law can create fundamental contradictions in the legal system, which result in barriers to full and equal access to sexual and reproductive health care, information, and education.

“Guarantee” (access): for this methodology, “guarantee” is understood as a law or regulation that assures a particular outcome or condition. The methodology recognizes that laws can only guarantee “in principle”; for the outcomes to be fully realized in practice, additional steps, including policy and budgetary measures will need to be in place.

○ Rationale and Interpretation:

Indicator 5.6.2 seeks to provide the first comprehensive global assessment of legal and regulatory frameworks in line with the 1994 International Conference on Population and Development (ICPD) Programme of Action (PoA)¹, the Beijing Platform for Action², and international human rights standards³. The

1 United Nations (1994) International Conference on Population and Development: Programme of Action. Cairo, Egypt.

2 United Nations (1995) Fourth World Conference on Women: Programme of Action. Beijing, China.

3 CEDAW General Recommendation no. 24. Accessed online 24 May 2018:

<http://www.refworld.org/docid/453882a73.html>; CEDAW General Comment no. 35 (2017). Accessed online 23 May 2018:

http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_35_8267_E.pdf;

CESCR General Comment no. 14. Accessed online 23 May 2018:

<http://www.refworld.org/pdfid/4538838d0.pdf>; CESCR General Comment no. 20. Accessed 24 May 2018:

indicator measures the legal and regulatory environment across four thematic sections, defined as the key parameters of sexual and reproductive health care, information and education according to these international consensus documents and human rights standards:

- Maternity care
- Contraception services
- Sexuality education
- HIV and HPV

Each of the four thematic areas (sections) is represented by individual components, reflecting topics that are: i) critical from a substantive perspective, ii) span a broad spectrum of sexual and reproductive health care, information, and education, and iii) the subject of national legal and regulatory frameworks. In total, Indicator 5.6.2 measures 13 components, categorized as follows:

SECTION I: MATERNITY CARE
Component 1. Maternity care
Component 2. Life-saving commodities
Component 3. Abortion
Component 4. Post-abortion care
SECTION II: CONTRACEPTION SERVICES
Component 5. Contraception
Component 6. Consent for contraceptive services
Component 7. Emergency contraception
SECTION III: SEXUALITY EDUCATION
Component 8. CSE law
Component 9. CSE curriculum
SECTION IV: HIV and HPV
Component 10. HIV testing and counselling
Component 11. HIV treatment and care
Component 12. Confidentiality of health status for men and women living with HIV

<http://www.refworld.org/docid/4a60961f2.html>; CESCR General Comment no. 22. Accessed online 23 May 2018: <https://www.escr-net.org/resources/general-comment-no-22-2016-right-sexual-and-reproductive-health>; CRC General Comment No. 15. Accessed 24 May 2018: <http://www.refworld.org/docid/51ef9e134.html>; CRPD Articles 23 and 25. Accessed online 24 May 2018: <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/convention-on-the-rights-of-persons-with-disabilities-2.html>

Component 13. HPV vaccine

For each of the 13 components, information is collected on the existence of i) specific legal *enablers* (positive laws, and regulations) and ii) specific legal *barriers*⁴. Such barriers encompass *restrictions* to positive laws, and regulations (e.g. by age, sex, marital status and requirement for third party authorization), as well as *plural legal systems that contradict* co-existing positive laws and regulations. For each component, the specific enablers and barriers on which data are collected are defined as the principle enablers and barriers for that component. Even where positive laws are in place, legal barriers can undermine *full* and equal access to sexual and reproductive health care, information, and education; the methodology is designed to capture this.

The percentage value reflects a country's status and progress in the existence of national laws and regulations that guarantee full and equal access to sexual and reproductive health care, information, and education. By reflecting the "extent to which" countries guarantee full and equal access to sexual and reproductive health care, information, and education, this indicator allows cross-country comparison and within-country progress over time to be captured.

Data Sources and Collection Method

Indicator 5.6.2 is calculated based on official government responses collected through the United Nations Inquiry among Governments on Population and Development. The Inquiry has been conducted since 1963. All questions required for indicator 5.6.2 are integrated into Module II on fertility, family planning, and reproductive health of the Inquiry.

The Inquiry is sent to the Permanent Missions by UN Population Division (DESA). UNFPA then follow-up with UNFPA Country Offices to facilitate the data submissions from national governments.

Baseline data was collected in 2019 through the 12th Inquiry and a second round was collected in 2021-2022 through the 13th Inquiry. Further data collection will be scheduled every 4 years.

Method of Computation and Other Methodological Considerations

⁴ Legal barriers are not deemed applicable for the two operational components: C2: life-saving commodities and C9: CSE curriculum.

○ Computation Method

The indicator measures specific legal enablers and barriers for 13 components across four sections. The calculation of the indicator requires data for all 13 components.

The 13 components are placed on the same scale, with 0% being the lowest value and 100% being the most optimal value. Each component is calculated independently and weighted equally. Each component is calculated as:

$$C_i = \left(\frac{e_i}{E_i} - \frac{b_i}{B_i} \right) \times 100$$

where;

C_i : Data for component i

E_i : Total number of enablers in component i

e_i : Number of enablers that exist in component i

B_i : Total number of barriers in component i

b_i : Number of barriers that exist in component i

As legal barriers are not deemed applicable for C2: life-saving commodities and C9: CSE curriculum, they are calculated as:

$$C_i = \frac{e_i}{E_i} \times 100$$

where;

C_i : Data for component i

E_i : Total number of enablers in component i

e_i : Number of enablers that exist in component i

In addition, as C3: Abortion collects information on four types of legal ground (to save a woman's life, to preserve a woman's health, in cases of rape, and in cases of fetal impairment), and that the legal barriers apply to each type, it is calculated as:

$$C_i = \frac{e_i}{E_i} \left(1 - \frac{b_i}{B_i} \right) \times 100$$

where;

C_i : Data for component i

E_i : Total number of enablers in component i

e_i : Number of enablers that exist in component i

B_i : Total number of barriers in component i

b_i : Number of barriers that exist in component i

Value for Indicator 5.6.2 is calculated as the *arithmetic mean of the 13*

component data. Similarly, the value for each section is calculated as the

arithmetic mean of its constituent component data.

○ Comments and limitations

Indicator 5.6.2 measures exclusively the existence of laws and regulations and their barriers. It does not measure the implementation of such laws/regulations. In addition, the 13 components are intended to be indicative of sexual and reproductive health care, information, and education, instead of a complete or exhaustive list of the care, information, and education. These components were selected because they were identified as key parameters according to international consensus documents and human rights standards.

Data Disaggregation

Data will be disaggregated by section and component. This will enable countries to identify the areas of sexual and reproductive health care, information and education in which progress is required.

References

<https://www.unfpa.org/sdg-5-6>

Custodian Ministries of Data

Ministry of Justice

Ministry of Foreign Affairs

Ministry of Education, Culture, Sports, Science and Technology

Japan Sports Agency

Ministry of Health, Labour and Welfare

Children and Families Agency

Custodian Ministries of Related Policies

Ministry of Justice

Ministry of Education, Culture, Sports, Science and Technology

Japan Sports Agency

Ministry of Health, Labour and Welfare

Children and Families Agency

International Organizations

United Nations Population Fund (UNFPA)