

SDG 5: GENDER EQUALITY



A LEGAL GUIDE

This Legal Guide to the Sustainable Development Goals (SDGs) was first published by Advocates for International Development (A4ID).

Disclaimer

The information contained within this guide is correct at the date of publication.

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About A4ID

Advocates for International Development (A4ID) was founded in 2006 to see the law and lawyers play their full part in the global eradication of poverty. Today, A4ID is the leading international charity that channels legal expertise globally toward the achievement of the UN Sustainable Development Goals. Through A4ID, the world's top lawyers are able to offer high-quality, free legal support to NGOs, social enterprises, community-based organisations, and developing country governments that are working to advance human dignity, equality, and justice. A4ID also operates as a knowledge and resource hub, exploring how the law can be better used to help achieve the SDGs through a range of courses, publications, and events.



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Foreword



The SDG Legal Initiative

There are now less than ten years left to realise the achievement of the UN Sustainable Development Goals (SDGs). Aware of the challenge, Advocates for International Development (A4ID) has been continuing its innovative work towards meeting these targets by harnessing the power of the law and the work of lawyers. A4ID's SDG Legal Initiative has been developed because it is now more important than ever that the global legal community comes together to use their skills to advance positive global change.

The SDG Legal Initiative is a call to action to the global legal profession to work towards the achievement of the SDG Agenda and we have until 2030 to do so. By sharing knowledge and providing opportunities to take practical action to end poverty, protect the planet, and ensure that all people enjoy peace and prosperity, A4ID will continue its work with the legal sector to enhance this impact. The SDG Legal Initiative aims to create communities of practice, and to amplify the role of the legal sector in achieving the SDGs.

Legal Guide to the SDGs

As part of its SDG Legal Initiative, A4ID has developed the world's first Legal Guide to the SDGs. The Legal Guide has been developed as a unique resource, providing a foundational analysis of the role that law can and should play in the achievement of the SDGs. Developed in collaboration with lawyers, academics, and development practitioners, the Guide is made up of 17 distinct chapters, each focussed on one of the 17 goals. Each chapter provides an overview of the relevant regional, national, and international legal frameworks, highlighting how the law can be applied to promote the implementation of the SDGs. The Guide also offers key insights into the legal challenges and opportunities that lawyers may encounter, presenting clear examples of the actions that lawyers can take to help achieve each goal.

Role of Law in Achieving Gender Equality

The SDG Agenda has always committed to 'leave no one behind.' Women and girls amount to over half the global population and yet still, by reason of their gender alone, face inequitable access to resources, opportunity and justice. Despite thirty years having passed since the ambitious roadmap for women's rights set by the Beijing Declaration and Platform for Action, gender inequalities persist today.

Outside of the household, women and girls face daily discrimination in education and employment, while facing greater risk of domestic abuse within it. They have fewer rights to protect their access to health and land, nor to assert autonomy over their own lives due to challenges including child marriage, female genital mutilation and a lack of reproductive health rights. Online, digital divides,

unequal access to technology and digital violence, are at risk of widening the gender gap and creating new harms. All these risks are further heightened along other lines of inequality, such as ethnicity, age and poverty. It is no surprise then that gender equality remains a significant priority in building a sustainable future, with gender mainstreaming required across all 17 SDGs and cutting across every sphere of development.

Following the COVID-19 pandemic, progress made towards gender equality took a sharp fall. Among lockdowns, economic hardship and school closures, the world witnessed first-hand the disproportionate impacts felt by women when uncertain and unstable situations emerge. Domestic violence increased globally.¹ Care-giving and unpaid domestic responsibilities fell on the shoulders of women and girls to bear, arising at the expense of career progression and educational needs. Women and girls were disproportionately exposed to new risks, not just in terms of the disease, but the economic necessity to find work in high risk situations in the informal sector.

Imagine then what the impacts of today's polycrisis has already been, and will continue to be, on women and girls if

gender equality is not prioritised. As rising food insecurities, geopolitical conflicts and climate disasters all wreak havoc across the planet, uncertain and unstable situations are rapidly becoming the status quo. If we are to learn from previous crisis situations, it is women and girls who will feel the brunt of these challenges.

Gender inequalities are multifaceted, complex and dynamic. They arise from established and often institutionalised cultural beliefs and behaviours that play out at personal, societal, institutional and political levels. To reframe the ways in which these practices materialise, it is these beliefs and behaviours that need to change.

This is not simply a tickbox or paper exercise. Gender equality requires frameworks that can introduce new norms and conventions. It requires mechanisms for female empowerment to ensure women and girls can effectively access and safeguard their rights. And it requires the power of both hard and soft laws, to hold societies and institutions accountable for the way they treat women and girls.

Yasmin Batliwala, MBE

Chief Executive



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The Sustainable Development Goals

The UN Sustainable Development Goals (SDGs) are a universal call to action to end poverty, protect the planet, and ensure that all people can enjoy peace and prosperity.

Also known as the Agenda 2030, the SDGs were agreed in 2015 by the UN General Assembly (Resolution 70/1). They were adopted by all UN Member States, and 2030 was set as the deadline for achieving them.

Compared to the Millennium Development Goals (MDGs),



which they succeed, the SDGs cover more ground, with wider ambitions to address inequalities, climate change, economic growth, decent jobs, cities, industrialization, oceans, ecosystems, energy, sustainable consumption and production, peace, and justice. The SDGs are also universal, applying to all countries, whereas the MDGs had only been intended for action in developing countries.

The 17 interdependent goals are broken down into 169 targets. At the global level, progress is monitored and reviewed using a set of 232 indicators. The Addis Ababa Action Agenda provides concrete policies and actions to further support the implementation of the 2030 Agenda. Each year, the UN Secretary General also publishes a report documenting progress towards the targets. In addition, the annual meetings of the High-level Political Forum on Sustainable Development (HLPF) continues to play a central role in reviewing global progress towards the SDGs.

At the national level, even though the SDGs are not legally binding, governments are expected to implement country-led sustainable development strategies, including resource mobilisation and financing strategies, and to develop their own national indicators to assist in monitoring progress made on the goals and targets.

SDG 17 stresses the importance of multi-stakeholder partnerships to achieve the goals. The mobilisation of governments, local authorities, civil society, and the private sector is needed to achieve this aim. Today, progress is being made in many places, but, overall, action to meet the SDGs is not yet advancing at the speed or scale required. This decade must therefore deliver rapid and ambitious action to meet the SDGs by 2030.

Key terms

SDG 5: Achieve gender equality and empower all women and girls

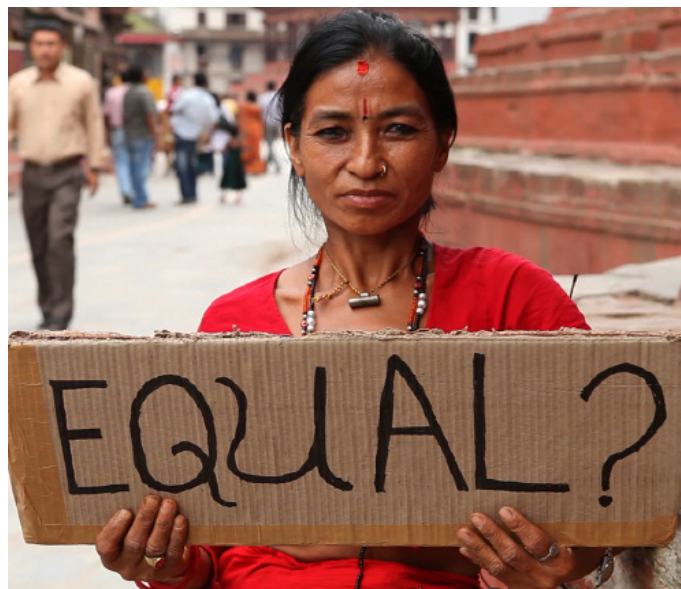
For the purposes of SDG 5, the following terms mean:

'Gender': in contrast to a person's biological sex, is defined by UN Women as "the roles, behaviours, activities, and attributes that a given society at a given time considers appropriate for men and women... [along with] the relationships between women and men and girls and boys... These attributes, opportunities and relationships are socially constructed and are learned through socialization processes."²

'Gender equality': according to UNESCO, means that "women and men have equal conditions for realising their full human rights and for contributing to, and benefiting from, economic, social, cultural and political development. Gender equality is therefore the equal valuing by society of the similarities and the differences of men and women, and the roles they play. It is based on women and men being full partners in their home, their community and their society."³

'Empowerment': as defined by UNESCO, is the process by which "people - both women and men - take control over their lives: setting their own agendas, gaining skills, building self-confidence, solving problems and developing self-reliance. No one can empower another, only the individual can empower himself or herself to make choices or to speak out. However, institutions can support the processes that nurture self-empowerment of individuals or goals."⁴

"Achieving gender equality requires the engagement of women and men, girls and boys. It is everyone's responsibility"
- Ban Ki-Moon, Former UN Secretary-General



Overview of the targets



In its mid-point review of the SDG Agenda, the UN highlighted five key areas for urgent action. Of these, was the express recognition that concerted policies and actions were still needed “to eradicate poverty, reduce inequality and end the war on nature, *with a focus on advancing the rights of women and girls and empowering the most vulnerable.*”⁵

This emphasis on women and girls builds from the earlier Millennium Development Goals (MDG 3) - however, should not be misconstrued as the business of women and girls alone. Rather, as was emphasised as far back as 1995 at the Fourth World Conference on Women (Beijing), it is ‘gender’ understood as a relational concept that underpins the targets of SDG 5 and gender mainstreaming.⁶ Accordingly, SDG 5 falls on both men

and women to achieve collectively and is built on the premise that gender equality is beneficial for all persons - women and men, girls and boys.⁷

“The achievement of full human potential and of sustainable development is not possible if half of humanity continues to be denied its full human rights and opportunities.” - The 2030 SDG Agenda

Indeed, gender equality is increasingly understood as beneficial to international development outcomes generally; a key component in finding sustainable solutions for a whole myriad of challenges from climate change⁸ to poverty.⁹ With females representing almost half the global population, it stands to reason that one of the ways we may escalate progress towards the SDG Agenda - particularly now the 2030 deadline looms large - is by empowering this half of the population so that they may actively contribute and participate in building a more sustainable future.

It is with 'empowerment' in mind that SDG 5 departs from the earlier MDG 3. Despite the MDG's progress towards gender equality in education, employment and political representation, it was unable to address a number of key disparities between genders.¹⁰ This included, for example, persistent levels of violence against women, inequalities in the division of unpaid care work, and unequal participation in decision-making beyond national parliaments.¹¹

In response to these deficiencies, SDG 5 offers a more comprehensive set of targets for reducing harm and prejudice on the basis of gender, as well as empowering greater participation of women and girls at a socio-economic and political level. This is achieved by shifting the attention beyond education and labour markets (MDG 3's focus), and towards the full spectrum of rights and interests that affect daily life - including at a domestic level.

At the same time, gender perspectives have been reflected throughout the entirety of the SDG framework; with there being 80 gender-relevant indicators spread across all 17 SDGs.¹² The result is to enable sustainable development to be viewed and measured through the prism of 'gender' itself.

For example in the case of health and well-being (SDG 3), almost all indicators (with the exception of SDG 3.c and 3.d) are

relevant to gender. In some cases (e.g.: SDG 3.1 and 3.2) these are directly concerned with women in particular, in light of the unique biological and sociological roles that women have to play as mothers, often most responsible for the health of their children. In turn, three of SDG 5's targets are directly connected with health: eliminating violence against all women and girls (5.2), eliminating harmful practices such as female genital mutilation (5.3), and ensuring universal access to sexual and reproductive health and reproductive rights (5.6).

These interconnectivities highlight the symbiotic relationship between SDG 5 and the wider development framework, and are noted in several instances including SDG 2 (food security) where the role of women in agricultural production, food preparation and childcare are considered;¹³ as well as SDG 16 (peace, justice and strong institutions) where the vulnerabilities of women to sexual violence and human trafficking are monitored.

“Gender equality is more than a goal in itself. It is a precondition for meeting the challenge of reducing poverty, promoting sustainable development and building good governance.” - Kofi Annan, Former UN Secretary-General

Despite these efforts for gender mainstreaming across development indices however, the World Economic Forum warns that “at the current rate of progress, it will take 123 years to reach full [global gender] parity.”¹⁴ The following breakdown of SDG 5 targets provide an insight into why this is the case, highlighting key challenges relevant to the achievement of each target.

TARGET 5-1

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



SDG 5.1 has a particularly wide scope, calling for wholesale review and amendment of laws and policies that contribute to gender inequality. This involves amendments and abolition of discriminatory measures, as well the adoption and implementation of new laws and policies to challenge discriminatory social norms and practices.

SDG 5.1 is therefore concerned, *inter alia*, with developments such as abolishing regressive laws on the rights of women, enhancing social and legal protections around sexual and reproductive rights, and criminalising gender-based violence, including rape and sexual offences.

These ambitions have long been an international priority, with over 2,000 new laws passed worldwide since the 1970s on gender parity.¹⁵ Unfortunately however, recent years have shown slower momentum towards combatting gender-based discrimination with only 99 positive gender-related reforms having passed between 2019 and 2024.¹⁶

Indeed in its most recent survey of 131 countries, the UN found that none had successfully implemented the reforms

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.



SDG 5.2 addresses the prevalence of violence against women. Here two indicators are used to measure progress: indicator 5.2.1 which measures the share of women aged 15 years or

necessary to end all forms of discrimination against women and girls everywhere. For example, only 38 countries had established the minimum age of marriage as 18.¹⁷

“The way things are going, it will take 286 years to close gender gaps in legal protection and remove discriminatory laws.” - UN 2023 Special Edition Report

Most concerning of all however, is the increase in legal and policy reforms that purposefully move away from gender parity, seeking to restrict the rights and freedoms of women and girls. This has been witnessed on issues including abortion rights in the US,¹⁸ the rights and freedom of married women in Saudi Arabia, and restrictions on the human rights of women and girls in Afghanistan.¹⁹

There is therefore ample opportunity for lawyers and the legal profession to strengthen gender equality under SDG 3.1. This includes contributions for law reform to address gaps in gender-equality legislation, as well as public legal education and access to justice efforts to strengthen effectiveness in instances where legal protections are already afforded.

older who experienced physical or sexual violence from an intimate partner in the last year, and indicator 5.2.2 as the proportion of women and girls subjected to sexual violence by persons other than an intimate partner in the previous year.

Violence against women and girls is a global phenomenon from which no country is immune. Global estimates suggest that 1 in 3 women have been victims of physical or sexual

violence from a partner, or sexual violence by a person other than an intimate partner in their lifetime.²⁰ In some regions, the proportion of women experiencing violence is a majority. For example, in Oceania (excluding Australia and New Zealand), over half of all women are estimated to have been subjected to intimate partner violence at some point in their lives.²¹ Eradicating the countless forms of violence against women and girls should therefore hold far-reaching implications for upholding human rights, ensuring peace, justice and security (SDG 16) and creating safe spaces in our cities and communities (SDG 11).²²

However, recent trends suggest that there is still a far way to go before gender-based violence is eliminated. According to 2023 estimates for example, there were approximately 51,100 cases of femicide globally: the intentional killing of women and girls owing to their gender. This represented 60% of all intentional killings made against women and girls that year, highlighting that risk to life is higher among intimate partners and family members than strangers.²³



TARGET 5-3
Eliminate all harmful practices such as child, early and forced marriage and female genital mutilation.

SDG 5.3 seeks to eliminate child, early and forced marriages; practices that have developed as a result of sex inequality and discriminatory social norms. Today, nearly one in five young women aged 20-24 were first married or in a union before age 18.²⁷

While this represents a 5% decrease from 2014 figures,²⁸ the practice of child marriage is still significant in certain regions around the world. For example, there are an estimated 93 million child brides in East Asia and the Pacific, representing 1 in 13 young women.²⁹

Worryingly, since the COVID-19 pandemic, the number of countries reporting on these issues have halved making it harder to identify effective solutions for prevention and response. This is especially concerning given that incidents of family violence were thought to have increased during the pandemic amid lockdown measures.²⁴ Outside the home, a rise in human trafficking following the pandemic is a further cause for concern. Among human trafficking victims, 61% are thought to be women and girls, trafficked predominantly for sexual exploitation or forced labour, while the vast majority of offenders continue to be male - highlighting the gender vulnerabilities underpinning these practices.²⁵

To tackle abuse in both the public and private spheres, legislation to combat and criminalise gender-based violence is still very much needed. Only 14 countries are currently considered to possess legal frameworks that comprehensively protect women and girls illustrating the scope of outstanding reforms to which lawyers can contribute their expertise.²⁶

In addition to child brides, an exceptionally harmful form of sex discrimination is female genital mutilation (FGM), a practice which negatively impacts women's health, security and bodily integrity. It is estimated that, globally, over 230 million women and girls have undergone FGM, with over half of all cases having taken place in Africa.³⁰ While progress has been realised in many countries – for example, new laws prohibiting FGM have been passed in recent years in Sudan, Poland, the US, Indonesia and Finland – these practices still persist in at least 94 countries around the world.³¹

Deep cultural sensitivity for the beliefs and traditions that have given rise to these practices is still needed to ensure progress. This includes working with practicing communities, raising awareness of the harmful impacts of these practices, and dialogue exchange alongside reforms to legislation and public policy.

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.

SDG 5.4 measures the average time men and women spend on unpaid domestic and care work per day in each country, albeit specific target figures are not defined.

This target emerges to take account of unpaid care and domestic work, which often see women work longer days than men due to responsibilities including childcare, taking care of elderly or sick family members, and domestic errands such as cooking and cleaning. Prior to COVID-19, it was estimated, on average, that women spent twice the amount of time on unpaid work at home.³² This figure has since magnified in the wake of the pandemic as care burdens shifted into domestic spaces,³³ with women now estimated

to contribute 2.5 times the number of hours that their male counterparts do to these tasks. In Northern Africa and Western Asia this estimate rises to four times the number of hours.³⁴

For working mothers in particular, the ‘motherhood penalty’ (i.e.: the phenomenon whereby working mothers face a decrease in pay) has been argued to contribute up to 80% of the gender pay gap.³⁵ Here, the role of social protection policies on parental leave are emphasised, as stronger maternity and paternity protections better value unpaid care contributions and can help balance the work and family responsibilities of mothers and fathers.

While 121 countries out of 186 have now adopted legislative provisions for paternity leave, as of 2024, the ILO highlight great variations in the rights and protections offered.³⁶ For example, imbalances between maternity and paternity leave continue to perpetuate the stereotype of women as primary caregivers and men as breadwinners. This continues to be detrimental to both genders.

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.

Securing female voices and representation at all stages of leadership - the public sector and private sector alike - is instrumental in securing female empowerment and safeguarding that decisions made are inclusive of both halves of the population. SDG 5.5 therefore measures the proportion of women in national parliaments and local governments (i.e.: the public sector) and managerial positions (i.e.: the private sector).

With respect to the former, women held 27.2% of seats in national parliaments as of 1st January 2025, and only 35.5% in local deliberative bodies.³⁷

Interestingly, the impacts of COVID-19 on female representation in public decision-making has been nuanced. On the one hand, unmistakable gender inequalities following the pandemic created urgent calls for greater female representation in building back better: with 2022 elections dominated by women’s rights issues worldwide. This, coupled with a shift to digital campaigning offered greater flexibility for political responsibilities to be balanced with caregiving and domestic work, making parliaments more accessible and gender-sensitive workplaces. However, on the

other hand, digital and financial exclusion within campaign management, along with a surge in violence against women, shrunk the spaces in which women could actively and safely contribute.³⁸ As a result, the UN noted that “the 2024 ‘super election’ year was a missed opportunity to advance inclusive parliamentary representation and leadership.”³⁹

With regard to the latter (the private sector), similar nuances exist. For example, despite an increase in remote working conditions following COVID-19 (giving rise to more flexible and inclusive work-based policies), a disproportionate impact on career progression and job losses among women threatened to undo what little progress had been made prior to 2019. As a result, women still occupy less than

one third of managerial positions globally, with the UN estimating it would take 100 years, at the current rate of progress, to achieve global parity in management.⁴⁰

“The 2024 ‘super election’ year was a missed opportunity to advance inclusive parliamentary representation and leadership... These findings highlight the need for bold reforms to challenge institutional and cultural barriers in politics.” – UN SDG Report 2025.

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.

Women and girls’ autonomy in decision-making over their sexual life is crucial to female empowerment and to the fulfilment of reproductive rights. Based on surveys in 78 countries, among women aged 15 to 49 who are married or in a union, only 56.3% make their own informed decisions about sexual relations and the use of contraceptives. However, a global average does not do justice to the significant disparities that exist between these figures. For example, while 87.2% of women make their own informed decisions on the use of contraceptives in Europe, only 36.8% in Sub-Saharan Africa can say the same.⁴¹ These disparities

highlight the close relationship that exists between sexual and reproductive rights and the social and cultural contexts in which they arise.

With respect to SDG 5.6, there remains a key role for laws and regulations to play in guaranteeing women and men full and equal access to health care, information, and education to help empower them when making informed decisions on their sexual and reproductive health.

Promisingly, of 115 countries that provided complete data on this matter, 76% had supportive laws and regulations in place guaranteeing full and equal access to sexual and reproductive health and reproductive rights. This included legislation on HIV and HPV, contraceptive services, maternity care, and sexuality education.⁴² However, the existence of plural legal systems (such as customary Sharia law) and legal restrictions on who can access what when (for example, in which cases abortion facilities are and are not legally accessible), continue to create challenges.

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.

Laws and practices denying women access to financial and land-based resources continue to be a major barrier to gender equality, as the economic welfare of women and girls falls under the sole exercise and control of male counterparts. Not only does this create an imbalance in power structures within the family home but it also sees many women and girls required to marry in order to achieve a baseline standard of security and stability in their lives.

Despite these structures, it is often the case that women play a significant role in industries such as agriculture⁴³ and in the management and allocation of resources within the home. It is for this reason that positive gains have been made in efforts towards greater financial literacy programmes for women, and in providing security of tenure through strengthened land rights for all persons, including women and other marginalised groups. Providing women with equal rights to economic and land-based resources is therefore not only essential from a human rights perspective but is also beneficial for society at large.

The first indicator for SDG 5.a looks to the rights of ownership or tenure of agricultural land disaggregated by sex. Here it is noted that despite similar levels of women and men working in agrifood systems globally, men are at twice as likely to own land as women. According to 2025 figures, in nearly 80% of countries providing data, less than half of women had ownership or secure rights to agricultural land.⁴⁴

The second indicator looks to the proportion of countries where legal frameworks (including customary law) guarantee women's equal rights to land ownership and/or control. This applies to all types of land beyond agricultural trade, including rights and control over family land and inheritance.

Here, a global review of 84 countries highlighted that over half of all women globally (58%), lack adequate legal protections to land rights across family, inheritance and land laws.⁴⁵ There is ample opportunity therefore, for lawyers to support reform initiatives in this space, solidifying gender parity in land ownership and inheritance.



TARGET 5·B



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

SDG 5.b seeks to ensure that with the increasing reliance on digital technologies, women and girls are not left behind but rather placed as primary beneficiaries for new digital solutions.

Digital transformations have accelerated at pace since the COVID-19 pandemic, with technology increasingly embedded within the daily realities of global workplaces and home life. These transformations bring with them a host of potential empowerment gains, including: improved access to online banking and financial resources; geospatial technology for farming and agriculture management; e-learning platforms for flexible learning, and greater connectivity for the informal

sector. However, in order to ensure that the benefits of technology are used, developed and shared equitably, it is essential that barriers of access, such as digital exclusion and digital illiteracy, are considered.

SDG 5.b measures mobile phone ownership as a means to understand areas where digital exclusion still prevails. These devices are thought to be among the most accessible forms of technology for most regions around the world. Globally 80% of people aged 10 and upwards own a mobile phone as of 2024, with universal coverage (95%+) achieved in regions including Australia and New Zealand, Europe and Northern America. Promisingly, gender gaps in mobile phone ownership are shrinking at pace, with women only 5% less likely to own a mobile phone as compared with men. However, this gap is notably higher for countries in sub-Saharan Africa and Central and Southern Asia, particularly for least developed and landlocked developing countries.⁴⁶

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.

Despite the need for greater policies and legislation towards gender equality, it is recognised that little will be achieved in practice without the appropriate resource allocation to ensure effective implementation. This is especially so where laws and policies stand at odds with deep-rooted cultural, sociological and ideological notions that contribute to gender inequalities.

SDG 5.c therefore monitors the proportion of countries with systems to track and make public allocations for gender equality and women's empowerment. This is in the hopes

of incentivising governments to consider how and where allocation of the public budget is being concentrated towards gender equality objectives.

According to 2024 data from 121 countries, only 26% had comprehensive systems to track resource allocations for gender equality. This figure has consistently remained the same since 2021.⁴⁷ A key concern, therefore, is that without better progress towards SDG 5.C, it is difficult to assess what level of priority is being afforded to gender equality within public policy decision making. That said, it has been positive to see greater integration of gender analysis and gender mainstreaming within public policy best practices. For example, the importance of disaggregated data, intersectional analysis and gender impact assessments, is increasingly recognised within consultative practices as well as monitoring and evaluation frameworks.

Key actions lawyers can take

The final section of this chapter provides more details on how the international legal community can engage in efforts to achieve SDG 5. However, the following short summary

describes some of the key actions that lawyers can take to contribute to the sustainable development agenda on gender equality.

Learn and educate

Substantial research and analysis on the role of law and justice in achieving gender equality is widely available. Armed with this information, lawyers in all sectors of the legal profession are well-positioned to contribute to SDG 5. However, it is important to remember that as gender

is socially constructed, conversations and challenges surrounding gender equality are context specific and constantly evolving with the social, economic and political order. Lawyers would therefore do well to keep up to date on these conversations as an active and ongoing process.

Integrate

Gender inequality is a well-documented issue across all industries, and the legal sector is no exception. As the profession responsible for holding governments and organisations to account for gender discrimination and exclusion, it is essential that the legal community looks inwards to address persistent gender inequalities and cultivate more inclusive working environments.

Practical steps include, ensuring payment practices offer equal pay for equal work, maintaining inclusive hiring practices, addressing social mobility barriers into the profession, and introducing 'family friendly' policies to meet the needs of employees with children without compromising their career progression.

Act

Discriminatory laws continue to act as a major barrier to the realisation of women's rights around the world. Lawyers working on the drafting or reform of any legislation should ensure gender impact assessments are always undertaken to identify any potentially adverse impacts on gender equality.

Legal frameworks are still needed in many parts of the world

to ensure, *inter alia*, equitable access to land, economic resources, sexual and reproductive health rights and marital protections. Lawyers can contribute their expertise in a myriad of ways, providing public legal education on available rights, advocating for stronger protections and supporting in the research and drafting of law reform initiatives.

Elements of the international legal framework

Charter of the United Nations

Adopted: 26 June 1945

Entered into force: 24 October 1945

Status of ratification (as of February 2026): 193 Parties

The Preamble to the Charter of the United Nations sets equal rights of men and women as one of its central goals. Under its purposes, set out in Article 1, the Charter establishes a need “to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to [...] sex.”

The Charter states that all members of the United Nations are legally bound to strive towards the full realisation of human rights and fundamental freedoms for all.

The goal of equality between women and men is therefore an obligation on all State members of the United Nations.

“Only through women’s full and equal participation in all areas of public and private life can we hope to achieve the sustainable, peaceful and just society promised in the United Nations Charter” - Ban Ki-Moon, Former UN Secretary-General

Universal Declaration of Human Rights

Adopted by the UN General Assembly: 10 December 1948

The Universal Declaration on Human Rights (UDHR) is a landmark in the articulation and advancement of fundamental human rights and freedoms. In 30 articles, the UDHR sets forth a series of civil, political, economic, social and cultural rights. Although it was not intended to create legally binding obligations, the UDHR presents a common standard of achievement that is widely regarded as customary international law. Moreover, many of its provisions have been adopted in binding international human rights instruments.

Article 1 and 2 proclaim the inherent dignity of all human beings and the principle of non-discrimination based on sex,

respectively. Article 1 asserts the right of all individuals to dignity as inalienable rights, including women and children. It states that “all human beings are born free and equal in dignity and rights.” The non-discrimination principle in Article 2 states that “everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind,” including those made on the basis of sex.

Although the notion of gender equality is not embodied in the text, the UDHR remains a highly influential international document that has inspired other international documents for women's rights through the application of the principle of non-discrimination.

International Covenant on Civil and Political Rights

Adopted by the UN General Assembly: 16 December 1966

Entered into force: 23 March 1976

Status of ratification (as of February 2026): 175 Parties

The International Covenant on Civil and Political Rights (ICCPR) commits all Parties to respect the civil and political rights of individuals, including:

- The right to life,
- Freedom from arbitrary arrest and detention,
- The right to due process,
- Freedom of thought, religion, speech and association, and
- The right to vote.

With the UDHR and the International Covenant on Economic, Social and Cultural Rights, the ICCPR forms the International Bill of Human Rights.

An Optional Protocol, ratified by 116 States, recognises the competence of the UN Human Rights Committee to consider complaints from individuals who claim their rights under the Covenant have been violated.

Under Article 3, the Covenant obligates all parties to ensure that the rights enshrined are enjoyed equally by men and women. Article 23 also states that “no marriage shall be entered into without the free and full consent of the intending spouses.”

Additionally, State parties commit to “take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution” (Article 23.4).

International Covenant on Economic, Social and Cultural Rights

Adopted by the UN General Assembly: 16 December 1966

Entered into force: 3 January 1976

Status of ratification (as of February 2026): 173 Parties

The International Covenant on Economic, Social and Cultural Rights (ICESCR), drawing on the UDHR, affirms a series of human rights and encourages social progress. Legally binding on those States that have ratified the treaty, it indicates a wide consensus on economic, social and cultural human rights. However, several States have signed but not ratified the ICESCR, notably Andorra, Comoros, Cuba, Palau and the United States.

Article 3 of the ICESCR is identical to Article 3 of the ICCPR in that it reiterates that human rights must be equally enjoyed by men and women. Under Article 7, there is also a specific reference to equality for women with respect to just conditions of work and to equal remuneration for work of equal value.

In 2009, an Optional Protocol to the Covenant was adopted giving the Committee on Economic, Social and Cultural Rights the ability to receive and consider individual communications from persons claiming to have had their rights violated. Yet, to this date, only 31 States have ratified it.

Convention on the Elimination of all Forms of Discrimination against Women

Adopted by the UN General Assembly: 18 December 1979

Entered into force: 3 September 1981

Status of ratification (as of February 2026): 189 Parties

The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) defines discrimination against women and sets forth an agenda to eliminate it.

The Convention has achieved a high number of ratifications, with the notable exceptions of Iran, Somalia, Sudan and the United States. However, many States have entered reservations against certain articles of the Convention on the grounds that they contradict national law, tradition, religion or culture. These States therefore do not consider themselves as bound by these articles. However, in line with the Vienna Convention on the Law of Treaties, the CEDAW states that a reservation incompatible with the object and purpose of the Convention shall not be permitted (Article 28, para. 2). In this respect, the CEDAW Committee considers that Article 2 (general principle of non-discrimination) and Article 16 (non-discrimination in matters of marriage and family relations) are core provisions. Reservations to these articles should therefore be impermissible. Although some State Parties have since withdrawn their reservations to those articles, the number and extent of reservations remain concerning.

Under CEDAW, States must guarantee human rights and fundamental freedoms to women “on a basis of equality with men.” This non-discrimination principle applies in the public sphere (Articles 7 to 9 on political life, representation and nationality), in the social and economic sphere (Articles 10 to 14 on education, employment and health), and in the private sphere (Articles 15 and 16 on equality in marriage and family life).

In implementing the convention, the CEDAW Committee since 1999 (i.e.: the adoption of the Optional Protocol to the Convention), can hear complaints from individuals alleging a violation of their rights. Complainants must have exhausted all available domestic remedies prior to submission. If the CEDAW Committee finds that a State has violated the Convention, it will issue recommendations. The State then has 6 months to provide a response outlining the actions taken to remedy the violation. The CEDAW Committee may also, on its own initiative, initiate inquiries if it has received reliable information indicating grave or systematic violations of the rights set forth in the Convention by a State Party.

Finally, the Committee regularly produces observations on the reports submitted by States and general recommendations supporting the fulfilment of equality of women and men.



Convention on the Rights of the Child

Adopted by the UN General Assembly: 20 November 1989

Entered into force: 2 September 1990

Status of ratification (as of February 2026): 196 Parties

The United Nations Convention on the Rights of the Child (CRC) is a human rights treaty which sets out the civil, political, economic, social, health and cultural rights of children. It defines a child as “any human being under the age of 18,

unless the age of majority is attained earlier under national legislation.” The CRC is the most widely ratified international human rights treaty and is monitored by the UN Committee on the Rights of the Child. Notably, the United States is the only country that has signed, but not ratified, this Convention.

Article 2 of the CRC states that the rights enshrined must be applied equally to all children, irrespective of sex or any other status.

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children

Adopted by the UN General Assembly: 15 November 2000

Entered into force: 25 December 2003

Status of ratification (as of February 2026): 185 Parties

Known as the Palermo protocol and adopted to supplement the UN Convention against Transnational Organised Crime, this is the first universal instrument to address all aspects of trafficking in persons. The Protocol pays particular attention to women and children who are the first victims of human trafficking.

The Protocol recognises multiple facets of trafficking in persons, defined as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”

The term ‘exploitation’ encompasses prostitution, forced labour, slavery, servitude, and the removal of organs.

State Parties commit to adopt measures to prevent trafficking (Art. 9 to 13), to punish traffickers (Art. 5) and to protect the victims of trafficking (Art. 6 to 8).



Soft law and declarations

Declaration on the Elimination of Violence Against Women (DEVAW)

The DEVAW was adopted by the United Nations General Assembly in its resolution 48/104 of 20 December 1993. The resolution is often seen as complementary to CEDAW. It provides the most widely used definition of violence against women, as “any act of gender-based violence that results

in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life” (Article 1).

Beijing Declaration and Platform for Action

The Beijing Declaration, adopted by the UN General Assembly at the end of the Fourth World Conference on Women on 15 September 1995, solemnly affirms that “women’s rights are human rights” and that women’s empowerment is “fundamental for the achievement of equality, development and peace.”

The Platform for Action, which accompanies the Declaration, highlights 12 ‘critical areas of concern’, including: poverty, violence against women, and unequal access to education and healthcare. In each of these areas, challenges to gender equality are diagnosed and strategic objectives proposed with concrete actions to be taken. Many of these resemble the SDG 5 targets.

Persistent challenges to women’s empowerment were noted in 2025 – the 30th anniversary since the Declaration passed. To expedite progress towards gender equality, the UN Women Beijing+30 Action Agenda was therefore launched. The agenda prioritises key areas including digital transformations; poverty; violence and conflict; climate justice and decision-making.⁴⁸



Commission on the Status of Women – Agreed conclusions

The Commission on the Status of Women (CSW) is a commission of the UN Economic and Social Council established in 1946. It is an intergovernmental body dedicated to the promotion of gender equality and women empowerment.

The main output of the CSW is the agreed conclusions adopted each year with a priority theme. They contain a set of concrete recommendations for governments, international institutions, civil society actors and other relevant stakeholders to be implemented at the international, national, regional and local level.

The agreed conclusions are instrumental in shaping the global standards on gender equality and women empowerment. Past priority themes include:

- Women empowerment in the context of poverty and institutional financing (2024)
- Technology and digital innovations (2023),
- Climate change, environmental and disaster risk reduction (2022),
- Women's full participation in public decision-making (2021),
- Social protection systems (2019),
- Rural women and girls (2018),
- Women's economic empowerment in the changing world of work (2017), and
- The link between sustainable development and women's empowerment (2016).

The upcoming theme for 2026 is of particular relevance to the legal profession with a focus on ensuring and strengthening access to justice for all women and girls, including by promoting inclusive and equitable legal systems, eliminating discriminatory laws, policies, and practices, and addressing structural barriers.⁴⁹



Regional legal and policy frameworks

African Union

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003)

Adopted in 2003 and known as the Maputo Protocol, this treaty is the main legal instrument for the protection of the rights of women and girls in Africa.

The Protocol has been ratified by 46 African States. Since its establishment, the African Commission on Human and Peoples' Rights have issued General Comments on The Protocol and, in 2004, adopted a declaration on Gender Equality in Africa. The declaration reaffirmed the African Union Member States' commitment to the principles of gender equality across the continent.

The Protocol provides various rights for women, including:

- The right to integrity and security of the person,
- The right not to be subjected to harmful practices,
- Rights relating to marriage, separation, divorce and access to justice,
- The right to education, health and reproductive health, and
- Economic and social welfare rights.⁵⁰

Americas

Inter-American Convention on the prevention, punishment and eradication of violence against women (1994)

Known as the Convention of Belém do Pará, the Inter-American Convention on the prevention, punishment, and eradication of violence against women defines what violence against women is (Articles 1 and 2), establishes that women have the right to live a life free of violence (Article 3) and recognises violence against women as a violation of human rights and fundamental freedoms (Articles 4 to 6).⁵¹

State Parties commit to adopt policies to prevent, punish and

eradicate violence against women, whether in the public or private sphere (Article 7). At the same time, they undertake to assert women's rights within society (Article 8), taking into consideration the special vulnerability of certain groups of women such as migrants, racial or ethnic minorities, pregnant, disabled, or poor women (Article 9).

The Convention requests that States report on measures adopted to combat violence against women to the Inter-

American Commission of Women. It also creates a right for individuals to petition the Inter-American Commission on Human Rights for violation of Article 7 by a State Party.

Entered into force in 1995, the Convention has been ratified by all Member States of the Organisation of American States, except for Cuba and the United States of America.

Asia

The Declaration on the Elimination of Violence against Women in ASEAN (2004)

This Declaration reflects the incorporation by the Association of South East Asian Nations (ASEAN) of CEDAW into a regional instrument. It recognises violence against women as a violation of human rights. According to the National

Commission on the Role of Filipino Women, the Declaration “strengthens regional cooperation, collaboration and coordination for the purpose of eliminating violence against women in the region, either individually or collectively.”⁵²

Europe

European Union treaties

The Treaty on European Union includes equality between men and women among the values of the EU (Article 2 and Article 3.3). Gender equality is also enshrined in Article 21 of the Charter of Fundamental Rights.

Additionally, Article 8 of the Treaty on the Functioning of the European Union, grants the Union the mission of eliminating inequalities and promoting equality between men and women through all its activities. Consequently, the EU has adopted several legal instruments in this area.

This includes, for example, the Directive 79/7/EEC of 19 December 1978 which seeks the progressive implementation of the principle of equal treatment for men and women in matters of social security. It also includes the Directive 2006/54/EC of 5 July 2006 which focuses on

the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.

“Gender equality is a core principle of the European Union, but it is not yet a reality... Using only half of the population, half of the ideas or half of the energy is not good enough” - Ursula von der Leyen, President of the European Commission

Anti-trafficking Directive 2011/36/EU

Adopted in April 2011, the Anti-trafficking Directive establishes minimum standards concerning the definition of criminal offences and sanctions in the area of human trafficking. It also introduces common provisions to strengthen the prevention of this crime and the protection

of its victims.⁵³ The Directive takes a victim-centred approach and recognises the vulnerabilities of women to this illegal trade as primary victims of trafficking. In response to these vulnerabilities, the Directive provides for gender-specific assistance and support measures.

European Convention on Human Rights (1950)

The European Convention on Human Rights (ECHR) obliges all ratifying Parties to guarantee the civil and political rights of those within their jurisdiction. All 46 Council of Europe Member States have signed and ratified the Convention.

Article 14 of the ECHR provides that the fulfilment of rights and freedoms set forth in the Convention shall be secured without discrimination based, inter alia, on sex.

In 2000, the ECHR was complemented by the Optional Protocol No.12, which provided for a more general prohibition against discrimination. This is because, while Article 14 of the ECHR prohibited discrimination, it was limited in the sense that it only did so where this infringed upon the enjoyment of one or more Convention rights. The Optional Protocol therefore removed this limitation, guaranteeing that no person shall be discriminated against on any basis, including sex or gender, by any public authority. The Optional Protocol entered into force in 2005, and Protocol No.12 has been ratified by 20 States.

The European Court of Human Rights (ECtHR) rules on individual and State applications alleging violations of the rights set forth in the Convention and its Protocols. Over the years, the ECtHR has developed an impressive body of case law in the field of gender equality.⁵⁴



Convention on Preventing and Combating Violence against Women and Domestic Violence (2014)

Commonly known as the Istanbul Convention, this Convention came into force in 2014 as a legally binding international instrument on the prevention and prohibition of violence against women and girls.

It establishes a comprehensive framework to prevent gender-based violence, support victims, and punish persecutors. The Convention is premised on the understanding that gender-based violence is violence “directed against a woman because she is a woman or that affects women disproportionately.”⁵⁵

The Convention obliges States to take preventive actions to stop violence against women and to protect victims. It also makes it explicitly clear that there can be no equality between men and women if women experience violence on a large scale that is continually ignored by the State.

Recommendation on preventing and combatting sexism (2019)

Adopted by the Council of Europe’s Committee of Ministers in March 2019, this recommendation includes the first internationally agreed definition of ‘sexism.’

The Recommendation stresses that sexism is a manifestation of “historically unequal power relations between women and men, which leads to discrimination and prevents the full advancement of women in society.” It also notes that sexism is “widespread and prevalent in all sectors and all societies.”⁵⁶

The instrument recommends that governments take measures to prevent and combat sexism and its manifestations in the public and private spheres. States are invited to inform the Council of Europe’s Gender Equality

“The Convention is applicable in times of peace and conflict...Everyone is entitled to live free from violence in both the public and private sphere.” - The Convention (Article 2 & Article 4)

In recognition of the prevalence of domestic violence, the Convention urges State parties to apply the framework to all victims - men and women alike, but calls for a co-ordinated approach in the efforts taken to combat domestic violence and violence against women.

Commission of any measures taken and progress achieved.

The annexed guidelines contain a comprehensive list of recommended measures to tackle sexism in, *inter alia*, employment, the justice sector, education, sport, advertising, internet, and social media.

“The elimination of sexism and sexist behaviour would benefit everyone: women, girls, men and boys.” - The Recommendation

Examples of relevant national legislation

Germany

General Equal Treatment Act (2006)

This Act is the first comprehensive anti-discrimination law in Germany and implements four European Union directives:

- 2000/43: Equal treatment between persons irrespective of racial or ethnic origin.
- 2000/78: Equal treatment in employment and occupation.
- 2002/73: Equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.
- 2004/113: Equal treatment between men and women in

the access to and supply of goods and services.

The aim of the law is to prevent and ultimately eliminate discrimination on the grounds of sex, religion, race, handicap or sexual identity in employment and social legislation, private law and public service law. However, de facto equality between women and men in the job market has not yet been achieved in Germany. At the inception of the SDG Agenda, a noticeable increase in women's employment had been achieved, but mainly in jobs with shorter working hours and lower wages.⁵⁷



South Africa

The South African Constitution (1996)

Section 9 of the South African Constitution explicitly prohibits discrimination against anyone on grounds including gender, sex and marital status. At the same time, Section 187 places an obligation on the legislature to enact national legislation

to prevent or prohibit unfair discrimination. In doing so, it calls for a Commission on Gender Equality with the power to monitor, investigate, research, educate, lobby, advise and report on issues concerning gender equality.

The Commission on Gender Equality (1996)

The Commission on Gender Equality is an independent statutory body tasked with monitoring and evaluating the practices of all stakeholders, including the government, on the responsibility to promote and protect gender equality.

At the same time, it offers recommendations and advice to the South African Parliament on existing and proposed national legislation offering a gender perspective.

The Employment Equity Act (1998)

The South African Employment Equity Act (1998) was passed to promote equal opportunity and fair treatment through the elimination of unfair discrimination in the workplace. This extends to instances of employee harassment, medical testing requirements (unless justified) and unfair dismissal.

The Act prohibits unfair discrimination on grounds including: gender, sex, pregnancy, marital status and family responsibility.

The legislation is also used to implement affirmative action measures “to redress the disadvantages in employment experienced by designated groups, in order to ensure their equitable representation in all occupational categories and levels in the workforce.”⁵⁸ The Act’s protections have since been strengthened by changes introduced by the Employment Equity Amendment Act 47 of 2013.



Thailand

Gender Equality Act B.E. 2558 (2015)

The Thai Gender Equality Act, adopted on 9 September 2015, aims to protect individuals from gender-based discrimination. The Act also goes further to protect those identifying with the lesbian, gay, bisexual and transgender community (LGBT), from discrimination and stigmatisation.

The Act prompted government commitments towards gender-sensitive policies and saw gender-responsive budgeting included in the Thai Constitution in 2016.⁵⁹

Marriage Equality Act B.E. 2567 (2024)

Since the passing of the Gender Equality Act, Thailand has seen further legislative developments towards gender equality.

This Act, effective as of 23 January 2025, introduces new rights for same-sex couples to legally marry, adopt children, and enjoy equal inheritance and tax rights; making Thailand the first country in Southeast Asia, and the third in Asia, to legalise same-sex marriage.

United Kingdom

Equality Act (2010)

The Equality Act came into force in 2010, merging 116 pieces of legislation into one, including the following nine key laws:

- The Equal Pay Act (1970)
- The Sex Discrimination Act (1975)
- The Race Relations Act (1976)
- The Disability Discrimination Act (1995)
- The Employment (Religion or Belief) Regulations (2003)
- The Employment Equality (Sexual Orientation) Regulations (2003)
- The Employment Equality (Age) Regulations (2006)
- The Equality Act (2006) Part 2, and
- The Equality Act (Sexual Orientation) Regulations (2007).

The Act simplified and strengthened legislation across England and Wales, providing a comprehensive framework to prevent discrimination, protect individuals from unfair treatment and promote a fair and more equal society.

Since then, new developments have been made to clarify and expand on the Act's scope. For example, the Worker Protection (Amendment of Equality Act 2010) Act 2023 came into force in October 2024, introducing a proactive duty on employers to prevent workplace sexual harassment. The change has been welcomed for shifting the onus from victim reporting to employer prevention.⁶⁰

Other changes, however, have been more controversial. For example, the Supreme Court judgment in *For Women Scotland v The Scottish Ministers* [2025] UKSC 16, limited

the definition of “sex” within the Equality Act to biological sex recorded at birth. Concerns have since arisen that the decision risks creating uncertainty around trans rights and

could lead to inaccurate interpretations that are in non-compliance with human rights standards.⁶¹

Tunisia

Constitution (2022)

Within the Arab World, Tunisia has a long history of progressive legal reform towards gender equality. In 1956, reform of the Personal Status Code abolished many discriminatory practices, including polygamy and repudiation. Tunisian women were granted the right to vote in 1957 and to stand for elections in 1959. In 1962, women were authorised to access birth control, and abortion was legalised in 1965. However, political authoritarianism and the persistence of cultural attitudes prejudicial to women have prevented the attainment of substantive equality.⁶²

After the Jasmine Revolution in 2010-2011, the drafting of a new constitution sparked public debate on gender equality. Women’s movements successfully advocated against Article 2.28 of the draft constitution which established the “complementarity of men and women” rather than the right to equality.⁶³

The constitution adopted in 2014 was a compromise between different political sensitivities. While it recognised Islam as the official state religion, it also provided that Tunisia is a civil state based on the supremacy of the law and enshrined equality of all citizens, men and women, before the law without discrimination. In doing so, the State was obliged (inter alia) to protect, strengthen and develop women’s accrued rights and to eradicate violence against women.

While many of these developments have since been retained in the country’s new Constitution (2022)⁶⁴, some backsliding from gender equality principles has also occurred. Of note, is the removal of previous constitutional measures supporting women’s representation in elected bodies, resulting in a significant drop in female representation in the Assembly of People’s Representatives.⁶⁵



Insights for the legal profession

a) Examples of relevant cases and legal proceedings

South Africa

Bhe and Others v. Magistrate, Khayelitsha and Others (2005) (Constitutional Court)

This case involved a constitutional challenge to the rule of male primogeniture (the right of succession belonging to the first-born son) as applied in South African customary laws of succession.⁶⁶

The case revolved around the two minor daughters of Ms Nontupheko Bhe and her deceased partner. The applicants argued that the customary rule of male primogeniture

discriminated against the two daughters because they were prevented from inheriting the estate of their late father.

The Court applied Section 9 of the Constitution and held that the rule of male primogeniture was unconstitutional and invalid to the extent that it excludes women from inheriting property.

Committee on the Elimination of Discrimination Against Women

Kell v. Canada (2012)

In 2012, the UN Committee on the Elimination of Discrimination against Women ruled in favour of Cecilia Kell in her complaint against Canada.⁶⁷

Cecilia Kell, an aboriginal woman from the Northwest Territories, lived with her partner in housing available to indigenous people under a special scheme, where Kell experienced domestic abuse. In 1993, the Northwest Territories Housing Corporation removed Kell's name from the Assignment Lease at the request of her partner, without her knowledge or consent. Two years later, Kell was evicted from her home by her partner.

Over a period of ten years, Kell unsuccessfully fought to regain her property rights through the Canadian legal system. In 2008, she filed a complaint against Canada claiming to be the victim of violations of a number of articles of CEDAW. In particular, Kell alleged that Canada had (1) failed to ensure that its agents refrain from engaging in any act or practice of discrimination against women, when they removed her name from the lease without her consent and (2) failed to ensure that its agents afford the same rights to her in comparison to her partner's rights in respect of ownership, acquisition, management, administration and enjoyment of the property.

The Committee concluded that Kell's property rights had been prejudiced and that she had been discriminated against as an aboriginal woman. The Committee also found that Canada had failed to provide Kell with effective legal protection when she sought to regain her property rights.

The Committee established that Canada had violated articles 1, 2 and 16 of CEDAW and that it should provide monetary

compensation and housing equal to the value of the property that had been taken from Kell. The Committee also advised that greater employment and training of aboriginal women to give legal assistance would be beneficial, and suggested that Canada review its legal system in order to make sure that aboriginal victims of domestic violence have effective access to justice.

European Court of Justice

Case 43/75 Defrenne v. Sabena (No.2) (1976)

This case concerned the Belgian national airline, Sabena, which obliged female flight attendants to retire at the age of 40, unlike their male counterparts.⁶⁸

The case was brought by Gabrielle Defrenne, who argued that the internal policy resulted in lower pension rights and

therefore violated her right to equal treatment under Article 119 EEC (now Article 157 TFEU). The Court recognised the direct effect of the principle of equal pay for women and men and ruled that the principle not only applied to the action of public authorities but also extended to all agreements between private parties.

European Court of Human Rights

M.C. v. Bulgaria (2003)

This case concerned a Bulgarian national who alleged that she was raped by two men, A and P, when she was 14 years old. A and P denied the rape and maintained that they had consensual sex with the applicant. An investigation was conducted by the police, but the district attorney decided to close the case as he believed that there was a lack of evidence of resistance from the victim, and the use of force or threats could not be established beyond a reasonable doubt. This was determined on the basis that Bulgarian law recognises

rape only in situations of helplessness or when the victim was coerced through the use or threat of force.

M.C., the applicant, brought the case before the European Court of Human Rights. Here it was affirmed that States have a positive obligation to enact criminal-law provisions effectively punishing rape and to apply them through effective investigation and prosecution. Taking into account comparative and international law as well as the "evolution

of societies towards effective equality and respect for each individual's sexual autonomy," the Court was persuaded that any rigid approach to the prosecution of sexual offences, such as requiring proof of physical resistance in all circumstances, risked leaving certain types of rape unpunished. Accordingly, the Court reiterated the basis of rape and sexual abuse as a lack of consent rather than the presence of force.

The Court recognised that, in practice, it may sometimes be difficult to prove lack of consent in the absence of 'direct' proofs, such as traces of violence or direct witnesses. However, it emphasised that investigations must be centred

on the issue of non-consent and that authorities must explore all the facts and decide on the basis of an assessment of all the surrounding circumstances.

In the applicant's case, the Court found that the Bulgarian authorities' approach was overly restrictive, practically elevating the presence of 'resistance' as a defining element of the offence. The Court also found that the authorities had failed to take into consideration the age of the applicant in determining the merits of the allegation. The Court therefore concluded that Articles 3 and 8 of the ECHR had been breached by the Bulgarian district attorney.⁶⁹

Opuz v. Turkey (2009)

This case involved Turkish national, Mrs. Nahide Opuz, whose husband, H.O., had repeatedly threatened and assaulted her and her mother since 1995. Despite filing multiple complaints to the Turkish authorities, no significant action was taken to investigate the matter and to protect the two women. In 2002, H.O. shot and killed his mother-in-law. Initially sentenced to life imprisonment, he saw his sentence reduced to 15 years and 10 months' imprisonment and was released from custody pending an appeal.

The European Court of Human Rights ruled that there had been a violation of Article 2 ECHR (right to life) concerning the murder of the applicant's mother and a violation of Article 3 ECHR (prohibition of inhuman or degrading treatment) concerning the repeated violence, death threats and injury the applicant suffered. The Court considered that the response of the authorities was manifestly inadequate to the gravity of the offences and that the judicial decisions revealed a lack of efficacy and a certain degree of tolerance.

This judgment is a landmark decision as, for the first time

in a domestic violence case, the Court also held that there had been a violation of Article 14 ECHR (prohibition of discrimination) in conjunction with Articles 2 and 3. The Court observed that domestic violence mainly affects women and therefore a State's failure to address domestic violence constitutes a form of gender-based discrimination.⁷⁰



Ingibjorg Gisladdottir, UN Women Regional Director for Europe and Central Asia and Representative to Turkey at an opening bell ceremony to highlight the importance of gender equality and women's empowerment.

I.C. v. the Republic of Moldova (2025)

This case involved an intellectually disabled woman who had been living in a State asylum her whole life until she was moved to a private farm in 2013 as part of ‘deinstitutionalisation’ efforts. The move was allegedly made after a couple approached the asylum requesting a person who would be a suitable bride for an employee on their farm, and who could subsequently be taken into their care.

Following her relocation to the farm, the applicant was subjected to five years of forced labour and sexual abuse by her placement family. Despite multiple attempts to escape, it was only in 2018 when the applicant reached out to an NGO, Alliance of Organisations for Persons with Disabilities, that she was able to formally lodge her complaints with the Moldovan authorities.

While criminal proceedings were initiated to investigate the applicant’s allegations of sexual abuse and human trafficking, these were later dismissed due to insubstantial evidence. Here, witness testimonies were relied upon to question the credibility of the applicant’s testimony on the basis of her disability, despite contradictory evidence from a psychologist.

The case was subsequently taken to the European Court of Human Rights, where it was found that the Moldovan authorities had failed in their duties to protect an intellectually disabled woman from labour exploitation and sexual abuse, and to effectively investigate her allegations. This amounted to a breach of Articles 3 (prohibition of inhuman or degrading treatment), 4 (prohibition of forced labour), 8 (right to respect for private and family life), and 14 (prohibition of discrimination) of the European Convention on Human Rights.

In particular, the court found that the Moldovan authorities had failed to account for the acute vulnerabilities that the applicant faced in light of her intellectual disability, gender, and background circumstances, and had demonstrated a discriminatory attitude towards the applicant as a woman with an intellectual disability. The case is significant in its illustration of why intersectional analysis is so critical when dealing with claims of multidimensional discrimination and in assessing the vulnerabilities of parties to a proceeding.²¹

Inter-American Court of Human Rights

Manuela and Family v. El Salvador (2021)

This case involved Manuela, a poor woman from rural El Salvador, who was charged with aggravated homicide after an obstetric emergency resulted in her pregnancy loss. The charge was raised by hospital staff on the grounds of suspected abortion – which is strictly prohibited in El Salvador – after Manuela had sought medical attention.

As a result of the charge, Manuela was subject to verbal abuse and interrogations without the presence of a lawyer, was handcuffed to a hospital bed and was subsequently detained for seven days despite the lack of an arrest warrant. During this time, no full medical check-up was conducted.

Manuela was subsequently sentenced to 30 years in prison and died in custody two years later after receiving inadequate medical treatment for cancer.

In March 2012, her case was brought before the Inter-American Commission of Human Rights by the Center for Reproductive Rights and Colectiva Feminista para el Desarrollo Local. It was then advanced to the Inter-American Court of Human Rights in 2018.

The Court found El Salvador guilty of violations to personal

liberty, judicial guarantees, equality before the law, the right to life, personal integrity, private life and health, to the detriment of Manuela; as well as the right to personal integrity to the detriment of Manuela's relatives. As a result, El Salvador was ordered to reform its legal and health care policies which criminalise women for seeking reproductive health care, and to make full reparations to Manuela's family.⁷²

The case is pivotal in recognising obstetric violence as a form of gender-based violence, and setting binding regional standards for the reproductive health rights of women.

United Kingdom

For Women Scotland v The Scottish Ministers [2025] UKSC 16

This case was brought by the campaign group, For Women Scotland, as the organisation's second challenge to the Scottish Government regarding its statutory guidance on the definition of a "woman" for the purposes of the Gender Representation on Public Boards (Scotland) Act 2018. The guidance stated that a transgender woman with a full Gender Recognition Certificate should be treated as a woman for the purposes of achieving gender representation objectives for 50% women on public boards.

In determining the correct definition of the words: 'sex', 'woman' and 'man' under the Equality Act 2010, the Supreme Court found that these should be limited to biological sex at birth only, and therefore would not extend to instances of gender reassignment.

This was found on the basis that a certified sex interpretation could lead to real world difficulties rendering certain Equality Act provisions too incoherent and impracticable to operate.

For example, it was argued that the scope of provisions relating to pregnancy and maternity must be limited to biological women only.

While the Supreme Court emphasised that this finding does not diminish the protections available to transgender people under the Equality Act 2010 – in which gender reassignment is still a protected characteristic – the full practical outcomes of this ruling are still yet to be witnessed.⁷³

“While we do not believe that the judgment itself directly violates human rights, inaccurate interpretation and implementation of the ruling could put rights at risk.” – Scottish Human Rights Commission (2025)

United States of America

Dobbs v. Jackson Women's Health Organization [2022]

This landmark ruling concerned the constitutionality of Mississippi's Gestational Age Act (2018) – an Act that bans most abortions after 15 weeks of pregnancy with the exception of medical emergencies and foetal abnormalities.

The case was brought on behalf of Jackson Women's Health Organization (the only licensed abortion clinic in Mississippi) straight after the Act was passed, arguing that it violated the constitutional right to abortion set out under *Roe v. Wade* (1973). Despite the Federal District Court and Fifth Circuit of the Court of Appeals finding in favour of the clinic, the Supreme Court overturned these decisions, along with its earlier precedence. Rather, the Supreme Court found that: "*Roe was egregiously wrong from the start. Its reasoning*

was exceptionally weak, and the decision has had damaging consequences... The Constitution makes no express reference to a right to obtain an abortion, and therefore those who claim that it protects such a right must show that the right is somehow implicit in the constitutional text. Roe, however, was remarkably loose in its treatment of the constitutional text."⁷⁴

The ruling has had far-reaching implications in its revocation of the constitutional right to abortion in the USA, and has been criticised for creating a highly fragmented landscape on abortion laws for the country. As of January 2026, 41 States now have abortion bans in place: 13 of which have a total ban on abortion, with the rest having bans based on gestational duration.⁷⁵



b) Legal context and challenges

The role of law and lawyers to SDG 5 is most apparent in SDG 5.1; explicitly calling for the adoption and strengthening of legal frameworks to promote, enforce and monitor equality and non-discrimination on the basis of sex. Indeed, robust legal frameworks towards gender equality have been a key mechanism for promoting and protecting the human rights of women and girls nationally, regionally and internationally.

Upon ratifying the CEDAW for example, States committed to embody the principle of equality between men and women in their national constitutions and to “ensure, through law and other appropriate means, the practical realisation of this principle” (Article 2).

In 2010, the Human Rights Council further created a working group to focus on discrimination against women in law and practice.⁷⁶ Under the group’s remit lies the responsibility to develop a discourse with States and other stakeholders on laws that could potentially create discriminatory results.

The Working Group’s focus illustrates some of the legal hurdles and challenges faced in the implementation of SDG 5, including:

- i. Explicit discrimination in law,
- ii. Discriminatory implementation of the law,
- iii. The discriminatory impact of the law, and
- iv. The discriminatory absence of law.

‘Explicit discrimination’ in this respect refers to laws that are discriminatory by virtue of their wording. For example, providing for different ages of marriage for women and men, or requiring a husband’s consent for access to reproductive health services.

In turn, a ‘discriminatory implementation of law’ refers to inadequate enforcement or implementation of laws, resulting in continued discrimination against women. One common example here is the lack of enforcement of equal pay laws.

Similarly, the ‘discriminatory impact of law’ refers to laws which appear gender-neutral but have a disproportionately adverse effect on women and girls because they take insufficient account of the realities of women’s lived experiences, and the ways in which sexual discrimination is engendered in practice. As an example, despite the fact women and girls are predominantly victims of domestic violence or sex trafficking, certain immigration regulations fail to provide them with specific protections.

Finally, the ‘discriminatory absence of law’ covers instances where the absence of a specific law allows discrimination to continue without specific redress. This category includes, for example, the lack of laws pertaining to sexual harassment, rape or the rights of domestic workers, most of whom are women.

In all contexts, even in countries with extensive and robust gender equality laws and policies, there are ongoing challenges to implement progressive laws in practice and to achieve women’s full equality.

The continuous existence of long-established cultural and traditional practices that discriminate against women and girls is one of the key legal hurdles to the implementation of SDG 5.⁷⁷ These discriminatory practices have restricted progress towards gender equality, and often require more dynamic solutions than the institutional frameworks that laws and policies are built from.

In its 2018 annual report,⁷⁸ the Working Group on discrimination against women in law and practice acknowledged progress in women's rights over the past decade – particularly in closing the gender gap in education – but also highlighted areas of deadlocks. These were, namely:

- Family and culture: equality in the private domain remains one of the biggest hurdles to achieving gender equality, as witnessed by the high number of reservations to Article 16 'equality in the family' of CEDAW, justified by States through deference to religious norms.
- Sexual and reproductive rights: one quarter of the world's population lives in States whose laws severely restrict termination of pregnancy, which pushes women towards clandestine and unsafe solutions.
- Economic and social participation: women continue to be paid less than men for work of equal value and are severely underrepresented in leadership roles across sectors.
- Political participation: despite progress, women are still underrepresented in all branches and levels of government.

More recently, the current international context with respect to gender equality has become increasingly politicised. Conservative lobbies, particularly active in Central Asia and Eastern Europe, consider efforts towards gender equality as threats to 'traditional values' and vehemently fight progress on sex education in schools, women's sexual and reproductive rights and gender-based violence. Similar contentions are also arising in traditionally more liberal contexts including the USA, with growing anti-gender rhetoric, and backsliding on progressive gender equality laws, policies and norms.⁷⁹

Online, a rise in misogyny, gendered harassment and digital violence against women, have also been identified as threats to gender equality, national security and democratic values, with dangerous implications to women's rights and protections, and risks of real life harm.⁸⁰

It is difficult then to separate efforts for gender equality with the politics and discourse surrounding it. However, lawyers, as arbiters in the proper administration of justice, are bound to uphold human rights and equality before the law. In doing so, lawyers need to find ways to overcome unconscious bias and/or fight against discriminatory practices, to ensure they are providing ethical representation and effective client care to all clients irrespective of gender. This is necessary at all stages of legal services, highlighting the critical role of SDG 5 across all practice areas.

“A surge in misogyny, and a furious kickback against equality threaten to slam on the brakes, and push progress into reverse... Let me be clear: This is unacceptable, immoral, and self-defeating.” - António Guterres, UN Secretary-General (2025)

c) So, what can lawyers do?

This section highlights several avenues through which the legal community can build its understanding of the SDGs in general, and of SDG 5. The ideas put forward here are intended to kickstart a conversation about the role of the legal community in the realisation of the SDGs.

At the same time, A4ID's SDG Legal Initiative will continue to push this global conversation forward and create pathways of opportunity for lawyers, the development community, and academics to become an active part of the sustainability solution.

Learn and educate

Lawyers can enhance their understanding of gender equality, along with the policies and programmatic efforts to advance it - at national, regional and international levels. Substantial research and analysis are available in the field of Law & Gender that highlight the role of law and justice in achieving gender equality in general, as well as the SDG 5 targets more specifically.

Important sources include:

- International development agencies, especially UN Women. The report *'Turning promises into action: Gender equality in the 2030 Agenda'*⁸¹ and *'Human Rights and Gender Equality'*⁸² are useful starting points for lawyers interested in SDG 5.
- The reports of the UN Special Rapporteur on violence against women.
- The thematic review of SDG 5 by the High-Level Political Forum.⁸³
- Several law journals, which focus on the intersection of law and gender, such as the Harvard Journal of Law and

Gender, Yale Journal of Law and Feminism, or Columbia Journal of Gender and Law.

- The Global Gender Equality Constitutional Database,⁸⁴ a repository of gender equality related provisions extracted from 194 constitutions from around the world covering topics such as affirmative action, employment rights and protection, participation in public and political life, and protection from violence.
- Civil society groups and NGOs that offer online repositories of relevant legal documents, such as the Gender Justice Observatory by Women's Link Worldwide⁸⁵ or the Virtual Library on Equality by Equal Rights Trust.⁸⁶

Law firms can also get involved in activities to raise awareness on gender equality and the ways to promote it. For example, conducting research on gender equality gaps, undertaking training on gender bias and the ways in which the law might apply differently across genders, and organising events (including legal clinics, seminars, panel presentations and international roundtables) on relevant topics.

Lawyers can also help raise awareness in the legal

community and among the general public about persisting discrimination against women and girls, the rights and protections afforded to women and girls, and the sensitivities

that should be considered when giving legal advice and/or representation to vulnerable clients.

Integrate

Despite there being roughly equal numbers of women and men applying to law school over the past few decades, women remain greatly under-represented in positions of leadership and power across sectors of the profession.⁸⁷

In addition, there remains a significant disparity in the earning potential between male and female lawyers, particularly in higher positions.⁸⁸ This has given rise to a situation in which the very profession responsible for addressing exclusionary and discriminatory practices in other contexts, faces challenges in addressing its own internal equality issues.

While efforts are being made to improve gender equality and women's empowerment within law firms, there is still a way to go. For example, the implementation of official 'family friendly' policies and allowances for part-time schedules are beneficial in taking account of familial and care-giving responsibilities (often placed upon women to fulfil). These mechanisms rightly allow associates to meet family needs without compromising their career goals. However, it is often the case that female lawyers are reluctant to leverage these policies due to the worry of professional repercussions and the risk that making use of them might still hinder progress for their career and promotion.⁸⁹

To effectively integrate the values of gender equality within workplaces (beyond formal policies), it has become increasingly important for law firms to encourage their lawyers to support gender equality programmes. For

example, through the inclusion of women's forums within the firm's governance structure, appropriate platforms are provided to address gender-related bias and barriers.

However, the importance of integrating awareness programmes and discussion forums moves beyond the human resource department, recognising the value of gender equality across all business operations. After all, a gender-balanced workforce can have commercial advantages, creating a more supportive environment for clients as well as employees, and reflecting values of equality and diversity that many clients are increasingly concerned with.⁹⁰

To prevent gender-based discrimination or harassment, law firms should have a written, publicly available non-discrimination policy based on the principle of zero tolerance. Information about gender discrimination should also be included in staff training, and safe spaces should be provided for gender-related challenges to be discussed.

Victims and witnesses of gender-based discrimination should have access to a confidential reporting mechanism to alert the necessary persons of what is happening, and to offer a practical means of redress. Law firms should also regularly assess the efficacy of these policies and grievance mechanisms and implement reforms based on the results.

In order to increase representation of women in management and senior positions, law firms may look to voluntarist

policies. In addition, understanding and correcting inequalities in career development requires greater data, disaggregated for men and women, on the level of access to and use of opportunities (for instance, internal promotion rates, performance reviews, access to support staff, etc.) A gender pay gap audit, reviewing all forms of compensation, including bonuses, insurance benefits and retirement contributions, can further help to ensure that jobs of equal value are paid equally.

Finally, law firms can join networks which bring together stakeholders from a variety of sectors and industries to accelerate progress on the SDGs, including on gender equality. The UN Global Compact is the world's largest corporate sustainability initiative whose strategy is to drive business awareness and action in support of achieving the SDGs by 2030. The network provides a framework to guide all businesses to assess, define, implement, measure, and communicate their sustainability strategy. More than 20,000 corporations are members of the UN Global Compact,

including some of the world's leading law firms.

In respect to SDG 5, the UN Global Compact invites its members to endorse the seven Women's Empowerment Principles, i.e.:

- i. Establish high-level corporate leadership for gender equality;
- ii. Treat all women and men fairly at work – respect and support human rights and non-discrimination;
- iii. Ensure the health, safety and well-being of all women and men workers;
- iv. Promote education, training and professional development for women;
- v. Implement enterprise development, supply chain and marketing practices that empower women, and
- vi. Promote equality through community initiatives and advocacy.
- vii. Measure and publicly report on progress to achieve gender equality.⁹¹



Act

Many law firms are working to make their pro bono work more strategic, collaborative and sustainable. By aligning their work with the SDGs, lawyers can be confident that they are taking practical steps towards a comprehensive and inclusive roadmap for sustainable development. This can help firms to establish and develop collaborative, cross-sector partnerships with other organisations that are working towards the same goals.

Developing a pro bono strategy with clearly identified goals enables firms to assess the effectiveness of pro bono work over time and therefore increase its impact. The SDG framework offers law firms the opportunity to effectively

measure and demonstrate their positive impact towards globally recognised goals. There is wide recognition that pro bono work, which is focused on progressing long-term goals and implemented in partnership with relevant organisations will lead to more sustainable results than ad hoc pro bono assistance.

The SDGs thus present a compelling opportunity for law firms, corporate legal departments and other lawyers to expand their pro bono legal activities domestically and abroad. In regard to SDG 5, law firms and lawyers can expand their pro bono work in several ways, including:

Help draft legislation

Legal frameworks are essential to women's rights. Discriminatory laws - especially in the fields of sexual and domestic violence, inheritance, land tenures, access to financial services, sexual and contraceptive health and parental leave - are still in place in many countries.

International legal pro bono can accompany and reinforce

national legal reform aimed at eliminating sex-based inequalities in legislation and policies.

In fact, every programme supporting the drafting of a new legislation or the reform of an existing one should include a gender impact assessment in order to identify the potential adverse impacts that could be placed on women and girls.

Advising civil society organisations

Law firms and individual lawyers can provide pro bono legal services to civil society organisations dedicated to gender equality and women's rights.

Lawyers could, for instance, advise NGOs on international legal instruments on gender equality, such as CEDAW, to

enable them to participate in advocacy campaigns.

Similarly, lawyers can provide strategic litigation support to identify opportunities for law reform through the judicial and court systems where formal reform of gender equality laws are still failing to account for discriminatory practices.

Support capacity building activities

The CEDAW Committee's General Recommendation No. 19 states that "gender-sensitive training of judicial and law enforcement officers and other public officials is essential for the effective implementation of the Convention."

Lawyers and law firms can contribute to, and support, ongoing training for legal actors on how laws may have gendered consequences and on how gender equality can be enforced through judicial mechanisms.

Policy and Advocacy

Law firms and lawyers can provide expertise and advocacy support for sound policy changes and enforceable legislative reforms to promote gender equality and the empowerment of all women and girls at all levels. In particular, taking a rule-of-law and human-rights based approach to advocacy can

help to overcome challenges of political rhetoric, ensuring that law firms are still able to actively and effectively promote the values of gender equality driven primarily by their expertise.

Help seek remedies when there is gender-based discrimination

Even when there are legal frameworks promoting gender equality, women and girls continue to be subjected to discrimination, violence and harmful practices.

Lawyers and law firms, through their pro bono work, can help women who cannot afford the legal costs to pursue their rights where they have been violated, for instance representing female victims of domestic abuse. Strategic litigation can also play a transformative role, leading to legislative reforms and judicial interpretations in support of women's empowerment and gender equality.

Working in partnership with development professionals and local actors to deliver international pro bono support is crucial to ensure that legal assistance is adapted to the local context.

This is because gender is socially constructed, and therefore gender-based challenges will be highly determined by the specific social, political and cultural landscape in which they emerge. In order for gender justice and gender-based solutions to be as effective as possible and responsive to actual community needs, partnerships for collaboration are essential. Working with local actors and development professionals will therefore provide much needed insights and expertise into the various cultural, religious and political norms and ideologies that shape gendered realities.

Working collaboratively, A4ID has produced resources to guide law firms seeking to align their pro bono practice to the SDGs in a manner that remains responsive to these local realities.⁹²

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