



From Data to Justice: The Central Role of Legal Data in Strengthening Justice for Sexual and Reproductive Health and Reproductive Rights

UNFPA Contributing Paper, CSW #70 Expert Group Meeting, 2025

Introduction

A foundational step in strengthening justice is understanding the national legal landscape in ways that can inform action. Until recently, the global community lacked a systematic way to measure and compare national legal frameworks for Sexual and Reproductive Health and Reproductive Rights (SRHR). The challenge was not only that there was no global data to provide an overview of countries' laws on SRHR but that analyzing laws "on paper" in itself was insufficient, as it failed to capture the complex web of regulations, restrictions, and conflicting legal systems that influence how laws actually shape people's lives.¹ Without comprehensive global data, tracking progress, addressing gaps, and holding governments accountable to their human rights commitments was a fragmented and challenging endeavor.

A major contribution to this challenge was the introduction of Sustainable Development Goal (SDG) Indicator 5.6.2, which measures laws and regulations for SRHR and falls under SDG Target 5 for achieving Gender Equality. The methodology created by the United Nations Population Fund (UNFPA), as custodian of this indicator, has led to the first-ever global database on laws and regulations that govern SRHR.² In a remarkably short time, the world has moved from having no standardized global data to having data from 153 countries.³ This leap in data availability is a powerful step towards strengthening justice.

This paper argues that the central role of collecting and disseminating this legal data is foundational to advancing justice for SRHR. This data provides the foundation for equitable justice systems, the elimination of discriminatory laws, policies, and practices, and the design and implementation of appropriate interventions to address structural barriers to SRHR. This data creates a powerful mechanism for change by strengthening peoples' ability to claim their rights, empowering national advocacy, and informing state action, thereby forging a direct pathway from data to justice.

Laws as Enablers and Gatekeepers of Justice

Despite all that has been achieved around SRHR, millions of people still see little difference in their daily struggles, largely because the roots of gender discrimination run deep. Discriminatory laws, policies, norms and attitudes continue to exist around the world. These prevent women and girls from being able to fully exercise their rights and from having the power to make their own choices about their bodies and health.⁴



Laws are powerful enablers or gatekeepers of bodily autonomy and SRHR more broadly. They can support bodily autonomy by, for example, guaranteeing everyone’s access to sexual and reproductive health services, requiring schools to provide comprehensive sexuality education and requiring informed consent in the provision of health care.² Laws can also create barriers for people by, for example, limiting adolescents’ access to sexual and reproductive health services and information or requiring women to get permission from their husbands to access contraceptive or other services.¹

A total of 153 countries have reported data on this indicator. Among the 115 countries with complete data on 5.6.2, countries have in place, on average, 76 per cent of the laws and regulations needed to guarantee full and equal access to SRHR. Enabling laws are strongest in relation to HIV and human papilloma virus (HPV) (with an average of 81 per cent of enabling laws in place), followed by contraceptive services (76 per cent). The data show that positive laws are lacking or restrictive laws exist in a number of areas related to SRHR – barriers are most notable in the cases of abortion and comprehensive sexuality education. However, even where there are supportive laws in place, many associated restrictions limit the effectiveness of these laws, with a disproportionate impact on women and adolescents.²

Part I: The Data-to-Justice Mechanism: From Evidence to Action

A. Quantifying Commitment to the Human Rights-Based Vision of the ICPD

The 1994 International Conference on Population and Development (ICPD) marked a pivotal shift, reframing population issues from a focus on demographic targets to a commitment to individual human rights and dignity. The ICPD established the human rights based foundation of UNFPA’s mandate.⁷

The 2030 Agenda for Sustainable Development, specifically SDG Target 5.6, which calls for universal access to SRHR, provides an important opportunity for securing the human rights-based vision of the ICPD. Progress is measured by two complementary indicators for which UNFPA is the custodian agency:

- **Indicator 5.6.2 (The Law):** Measures the “Number of countries with laws and regulations that guarantee full and equal access to...sexual and reproductive health care, information, and education”.² This *de jure* indicator assesses the legal and regulatory environment across key domains like maternity care, contraception, and comprehensive sexuality education, benchmarking national laws against international human rights obligations.²



- **Indicator 5.6.1 (The Reality):** Measures the “Proportion of women...who make their own informed decisions regarding sexual relations, contraceptive use and reproductive health care”.⁸ This *de facto* indicator measures individual bodily autonomy and lived experience.

The power of this framework lies in its diagnostic capability. When a country has supportive laws (a high score on 5.6.2) but low levels of women’s bodily autonomy (a low score on 5.6.1), it exposes a "justice gap".¹ This evidence-based discrepancy signals that rights on paper are not translating into rights in practice, pointing to systemic barriers like underfunding, provider bias, or restrictive socio-cultural norms that obstruct justice. When a country lacks supportive laws (a low score on 5.6.2) and low levels of women’s bodily autonomy (a low score on 5.6.1), it identifies a need for legal reform prior to any efforts that focus on implementation of supportive laws.

Legal frameworks are the bedrock upon which effective, equitable, and resilient health systems are built. They transform health goals from aspirations into entitlements, creating clear obligations for governments and empowering individuals to claim their human rights, including their right to health.⁶ Conversely, a woman's power to make her own decisions is the catalyst that translates that legal access into actual health-seeking behaviour and, ultimately, better health outcomes.⁶

While significant progress in expanding SRH services globally has been achieved, legal and policy barriers, as well as barriers to women’s decision making for SRH, continue to impede the achievement of SRHR.⁶ Combining SDG target 5.6 with the health targets under SDG 3 provides us with a holistic framework for advancing gender equality, SRHR, and access to justice.

B. An Essential Tool in an Era of Pushback

The creation of this global legal dataset is not just a technical achievement; it is a crucial tool for justice and advocacy in an era of increasing political polarization and organized opposition to gender equality and SRHR.⁴ Progress on key SRHR measures is stalling or even reversing; a maternal death occurred almost every 2 minutes in 2023,¹⁵ and a quarter of women are still unable to refuse sex with their partner.¹⁰ This regression is fueled by a "relentless, well-organised effort" to undermine human rights, where political strategies are often based on sowing division.⁴

In this contentious environment, the standardized, government-verified data from SDG Indicator 5.6.2 provides an objective, evidence-based benchmark. It allows advocates and international bodies to cut through political rhetoric and track not only progress but, crucially, regression over time.¹¹ This ability to monitor changes is the cornerstone of accountability. It provides the evidence needed to challenge the rollbacks of rights, ensuring that a strong legal framework—measured by this data—can serve as the foundation for holding governments accountable to their international commitments.¹⁰



This monitoring is a dynamic and ongoing process. A new round of data collection, through the UN National Inquiry on Population and Development, is set to be rolled out at the end of 2025 (the 14th Inquiry). This provides a critical opportunity not only to expand data collection to new countries but, crucially, to review whether existing countries have made progress or experienced regressions in their legal frameworks. This cyclical review is fundamental to sustained accountability, ensuring that legal changes are continuously tracked over time.

C. Pathways to Justice

The legal data collected by UNFPA becomes a catalyst for justice through three primary pathways:

1. Informing State Governance and Reform:

The data serves as a vital diagnostic tool for State actors themselves. National legal frameworks for SRHR are often a complex web of laws from different ministries and historical eras, which can lead to contradictions and confusion.⁶ The SDG 5.6.2 data provides a clear, standardized framework for governments to conduct a self-assessment or "legislative audit," allowing them to identify specific gaps, duplications, and conflicting provisions, such as between a penal code and a health act.⁶ By pinpointing these inconsistencies, state actors can take targeted action to strengthen implementation, such as issuing new technical guidance for service providers or initiating legislative reform to harmonize conflicting laws.⁶ This internal use of data creates a proactive pathway to strengthening justice from within the state apparatus.

2. International Accountability:

This data provides standardized, government-verified metrics that strengthen international accountability mechanisms. This includes the Voluntary National Reviews (VNRs) where states report on SDG progress, as well as international human rights based mechanisms, including: the Universal Periodic Review (UPR) of the Human Rights Council, the expert treaty monitoring bodies—such as the Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on the Rights of the Child (CRC)—and the Special Procedures mandate-holders.¹⁴ While UN guidance encourages States to use data from human rights processes to inform their VNRs, this is often a missed opportunity, with States often not fully integrating the rich data available on SRHR. In the case of the UN Human Rights Mechanisms, listed above, UNFPA actively collaborates with these bodies to deepen their understanding of reproductive rights, enabling them to use the data to monitor states' performance against their treaty



obligations.² The data can inform reports made to these bodies by States and civil society organisations, providing them with the evidence needed to issue specific, data-backed recommendations on issues from contraceptive access to sexuality education.¹¹ This creates a "legitimacy loop": the human rights system mandates the data collection, the data strengthens the system's recommendations, and those recommendations empower national actors to demand justice, reinforcing the entire cycle.⁷

3. National Advocacy:

A key strength of the SDG 5.6.2 data is that it is nationally owned, based on official information provided by governments themselves. This national validation gives civil society and other actors a uniquely powerful tool for domestic advocacy. They can present government-validated data to highlight legal strengths and gaps, and present the evidence needed to challenge discriminatory laws.¹

Part II: From Law to Lived Reality

"Of all the forms of inequality, injustice in health is the most shocking and inhumane."

– Martin Luther King, Jr.

A. The Implementation Gap: When Law Fails to Deliver Justice

Despite progress in securing legal commitments, a stark implementation gap persists. Every day in 2023, over 700 women die from preventable causes related to childbirth.¹⁵ A quarter of women cannot refuse sex with their partner, and nearly one in ten cannot make her own decisions about contraception.¹⁰ This gap is not random; it is a crisis of inequality, driven by intersecting barriers that systematically disempower the most marginalized.¹⁰ These barriers include chronic underfunding, weak health systems, provider bias, conflicting legal codes (such as customary law), and deeply entrenched patriarchal norms and gender stereotypes that limit women's autonomy.¹ This demonstrates that achieving justice requires dismantling a complex system of obstacles that operate at every level of society.

Additional illustrative barriers to people experiencing the full benefits of a supportive legal environment, specific to different domains of SRHR, are presented in Table 1.

Table 1: The Dissonance Between Legal Frameworks and Lived Realities

SRHR Domain	The 'Law on Paper' (De Jure Status)	The 'Lived Reality' (Illustrative De Facto Barriers)
Abortion	Legal on some grounds in 93% of reporting countries. ²	Lack of trained providers; widespread "conscientious objection"; illegal requirements for spousal consent; stigma. ¹
Contraception for Adolescents	91% of countries have laws guaranteeing access to contraception. ²	Provider bias against unmarried youth; fear of prosecution under age of consent laws; lack of youth-friendly services. ¹
Maternity Care	95% of reporting countries have laws guaranteeing access. ²	Shortage of health workers; stockouts of essential medicines; prohibitive costs; discrimination. ¹
Comprehensive Sexuality Education (CSE)	Only 57% of countries have laws making CSE mandatory. ²	Lack of national curriculum; insufficient teacher training; opposition from conservative groups. ¹

B. The Way Forward: A Multi-Stakeholder Agenda to Close the SRHR Justice Gap

Closing the implementation gap requires a concerted, multi-stakeholder effort focused on turning legal rights into tangible realities. The following strategic actions are needed:

Data to Track the SRHR Justice Gap

- Innovate Data Collection:** Develop new metrics to measure implementation of supportive laws, such as the existence and expenditure of dedicated national budget lines for SRHR and the percentage of health facilities stocked with essential commodities.



- **Strengthen Data Disaggregation:** Improve the collection and analysis of data disaggregated by sex, gender, disability, ethnicity, age, and other factors to support inclusive programming that responds to the needs of those furthest behind.⁴
- **Build "Legal and Data Literacy":** Scale up programs that train CSOs, journalists, and parliamentarians to interpret and leverage legal data for evidence-based advocacy, reporting, and legislative oversight.

Action to Fill the SRHR Justice Gap:

- **Ensure SRHR in Universal Health Coverage (UHC):** Ensure that a comprehensive package of SRHR interventions is included in UHC benefit packages and national health strategies.⁴
- **Link Law to Budget:** Institute formal mechanisms requiring that any new SRHR legislation is accompanied by a costed implementation plan and a corresponding budget allocation, exploring innovative and participatory financing instruments.⁴
- **Conduct Legislative Audits:** Proactively use the SDG 5.6.2 framework to conduct comprehensive audits of national laws, with the aim of repealing discriminatory provisions and resolving contradictions between different legal codes.²
- **Champion and Support National Dialogues:** Champion and support national multi-stakeholder dialogues, anchored on the combined data from SDG Indicators 5.6.2, 5.6.1 and SRH outcome data, to jointly analyze the 'justice gap' between legal frameworks and lived realities and to co-develop concrete, time-bound action plans for addressing identified barriers.⁶
- **Invest in a Responsive Justice System:** Mandate continuous training for health workers, police, prosecutors, and judges on SRHR laws and human rights principles to ensure unbiased implementation and enforcement.
- **Empower National Human Rights Institutions (NHRIs):** Strengthen the mandate and capacity of NHRIs to independently monitor states' human rights obligations in the context of SRHR, using SDG 5.6.2 data as a key benchmark in their assessments, national inquiries, and public reports.⁶
- **Challenge Harmful Norms:** Foster evidence-based initiatives that challenge harmful social and gender norms, actively involving men and boys in promoting positive masculinities.⁴



- **Empower the Grassroots:** Translate complex legal information into accessible formats to empower local communities, particularly marginalized women and girls, to understand and claim their rights.

Financing the Justice Gap:

- **Increase and Catalyze Financing:** Significantly increase international financing for SRHR and gender equality, leveraging these resources to catalyze greater domestic investment.⁴
- **Fund Women-Led Organizations:** Develop innovative approaches to finance and partner with women-led and feminist organizations, including through flexible and multi-year funding, recognizing their crucial role in advancing SRHR.⁴
- **Leverage Financial Institutions:** Encourage international financial institutions, such as the World Bank, to use SDG 5.6.2 data to inform country investment decisions, linking financial support and development loans to the existence of supportive and non-discriminatory legal frameworks for women and girls.
- **Invest in Data Systems:** Provide dedicated financial and technical support to strengthen national and global data ecosystems for SRHR. This includes funding the collection, analysis, and use of data for the SDG 5.6 indicators to ensure that policies, programmes, and investments are evidence-based and targeted to reach those furthest behind.⁴

Conclusion

While a supportive legal framework provides the essential foundation for SRHR, it marks the beginning, not the end, of the effort to ensure these rights are fully realized in practice. The data collected and analyzed by UNFPA provides the essential tools to build upon that foundation. By bringing to light legal strengths and gaps, this data empowers advocates and informs state actors, strengthening the ability of people to claim their rights and hold governments to account, thereby serving as an indispensable catalyst in the ongoing struggle for justice. The path from data to justice is complex and challenging, but it is a necessary one to ensure that the rights of all individuals are not just enshrined in law but are fully realized in their lives.



References

1. Ferguson, L., et al. (2022). *Mind the Gap: Understanding Differences Between Sexual and Reproductive Health-Related Legal Frameworks on Paper and in Practice*. *Frontiers in Global Women's Health*, 3:838976.
2. UNFPA. (2020). *Legal Commitments for Sexual and Reproductive Health and Reproductive Rights for All*.
3. UNFPA. (2024). *Metadata for SDG Indicator 5.6.2*.
4. UNFPA. (2025). *Three decades of Beijing Platform for Action: A Closer Look at Sexual and Reproductive Health and Rights of Women and Girls*. Observer paper for the Expert Group Meeting, Sixty-ninth session of the Commission on the Status of Women (CSW 69).
5. USC Institute on Inequalities in Global Health. (2025). *Desk review to inform a methodology and tools for legal and policy dialogues on sexual and reproductive health and rights*. [forthcoming]
6. O'Neill Institute for National and Global Health Law; Filmer-Wilson, E. (2018). *The United Nations Population Fund: An Evolving Human Rights Mission and Approach to Sexual and Reproductive Health and Reproductive Rights*.
7. UNFPA. (2024). *State of World Population report 2024. Interwoven Lives, Threads of Hope: Ending inequalities in sexual and reproductive health and rights*.
8. Barragués Fernández, A. (2020). *Sexual and reproductive health and rights in voluntary national reviews: a study of 12 countries*. *Reproductive Health Matters*, 28(1).
9. Women Deliver. (2022). *Advancing Sexual and Reproductive Health and Rights in Universal Health Coverage: An Advocacy Guide*.
10. UNFPA. (2020). *Laws and Policies Impacting Young People's Sexual and Reproductive Health and Rights in the Asia-Pacific Region: 2020 Update*.
11. UNFPA. (2025). *Sexual and reproductive health and rights: a key pillar to addressing poverty from a gender perspective*. Observer Paper for the Expert Group Meeting, Sixty-eighth session of the Commission on the Status of Women (CSW68).
12. UNFPA. (2020). *Ensure universal access to sexual and reproductive health and reproductive rights: MEASURING SDG TARGET 5.6*.
13. UNFPA. (2020). *Sexual and Reproductive Health and Reproductive Rights Country Profile*.



14. UNFPA (2019). *From Commitment to Action on Sexual and Reproductive Health and Rights, Lessons from the Second Cycle of the Universal Periodic Review*

15. World Health Organization. (2025). *Trends in maternal mortality 2000 to 2023: estimates by WHO, UNICEF, UNFPA, World Bank Group and UNDESA/Population Division*