

GOOD PRACTICES

BASED ON THE DATA UNDER
SDG INDICATOR 5.1.1,

WHETHER OR NOT LEGAL FRAMEWORKS ARE
IN PLACE TO PROMOTE, ENFORCE AND MONITOR
EQUALITY AND NON-DISCRIMINATION ON THE BASIS OF
SEX

Co-custodian agencies: UN Women, World Bank Group and
OECD Development Centre



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ABOUT SDG INDICATOR 5.1.1

SDG indicator 5.1.1 measures Government efforts to put in place legal frameworks that promote, enforce and monitor gender equality. The indicator is based on an assessment of legal frameworks that promote, enforce and monitor gender equality. The assessment is carried out by national counterparts, including National Statistical Offices and/or National Women's Machinery, and legal practitioners/researchers on gender equality, using a questionnaire comprising yes/no questions under four areas of law: 1) overarching legal frameworks and public life; 2) violence against women; 3) employment and economic benefits; and 4) marriage and family.

UN Women, World Bank Group and OECD Development Centre are co-custodians for SDG indicator 5.1.1.

This document describes good practices in legislation based on the SDG indicator 5.1.1 data for 95 countries. It also includes highlights of the data (current as of 1 September 2019).

Area 1: Overarching legal frameworks and public life

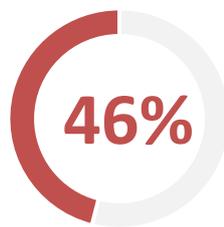
AVERAGE ACHIEVEMENT SCORE

On average countries score 71 per cent in the area of overarching legal frameworks and public life

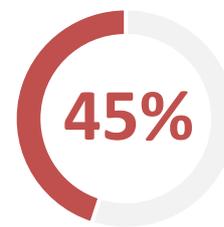
DATA HIGHLIGHTS



of countries where customary law is a valid source of law deem it invalid if it violates constitutional provisions on equality or nondiscrimination



of countries have nondiscrimination laws that prohibit both direct and indirect discrimination against women



of countries have reserved seats or candidate lists quotas for women in parliament



of countries grant women and men equal rights to confer citizenship to their spouses and their children



of countries legally establish a specialized independent body tasked with receiving complaints of discrimination based on gender



of countries mandate legal aid in civil/family matters and criminal matters

GOOD PRACTICES

1. If customary law is a valid source of law under the constitution, is it invalid if it violates constitutional provisions on equality or nondiscrimination?

Plural legal systems apply customary, religious or indigenous laws and procedural requirements that are often interpreted differently for men and women. Good practice constitutions mandate nondiscrimination and equality on the basis of gender and ensures that customary law is invalid if it violates such constitutional protections (see article 2 of CEDAW, which requires States parties to embody the principle of the equality of men and women in their national constitutions or other appropriate legislation).

Country	Example
Bangladesh	The Constitution of Bangladesh states that if any other law is inconsistent with the Constitution, than the other law shall, to the extent of the inconsistency, be void. Law is defined broadly as including any custom or usage, having the force of law. The Constitution also includes an equality clause and nondiscrimination clause that specifically mentions sex.
Kyrgyzstan	The Constitution of Kyrgyz Republic establishes that folk customs and traditions which do not infringe upon human rights and freedoms shall be supported by the State. It also prohibits discrimination based on sex and states that men and women have equal rights and freedoms as well as equal opportunities.
Namibia	The Constitution of the Republic of Namibia states that both the customary law and the common law of Namibia in force on the date of independence shall remain valid to the extent to which such customary or common law does not conflict with this Constitution or any other statutory law. It also states that all persons shall be equal before the law and that no persons may be discriminated against on the grounds of sex, among other grounds.
Uganda	The Constitution of the Republic of Uganda stipulates that if any other law or any custom is inconsistent with any of the provisions of the Constitution, the Constitution shall prevail, and that the other law or custom shall, to the extent of the inconsistency, be void. The Constitution prohibits discrimination on grounds of sex.
Zimbabwe	The Constitution of Zimbabwe , which includes an equality and non-discrimination clause that specifically mentions gender, states that it is the supreme law of Zimbabwe and any law, practice, custom or conduct inconsistent with it is invalid to the extent of the inconsistency.

2. Is there a non-discrimination law that prohibits both direct and indirect discrimination against women?

Good practice antidiscrimination laws prohibit direct (different treatment explicitly based on grounds of sex and gender) and indirect (seemingly gender-neutral criteria which in their actual effect have a detrimental impact on women) discrimination against women (see article 1 of CEDAW which provides a comprehensive definition of discrimination against women).

Country	Example
Armenia	The Law on Equal Rights and Equal Opportunities for Men and Women prohibits discrimination and harassment in the public and private sector in a broad range of spheres, including employment, education, science and sports, social security, judiciary and administration, housing, public information and media, and defense and security. The law specifically defines and prohibits both direct and indirect gender-based discrimination.
Australia	The Sex Discrimination Act prohibits both direct and indirect discrimination on the ground of sex, sexual orientation, gender identity, intersex status, marital or relationship status, pregnancy, potential pregnancy, breastfeeding or family responsibilities or involving sexual harassment in the areas of work, accommodation, education, the provision of goods, facilities and services, the disposal of land, the activities of clubs and the administration of laws and programmes. It affirms that every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law, without

	discrimination on the above grounds.
Hungary	The Act on Equal Treatment and Promotion of Equal Opportunity prohibits discrimination based on several grounds, including sex, and explicitly prohibits direct discrimination, indirect discrimination, harassment, unlawful segregation, and retribution, and defines direct discrimination as the treatment of a person or a group less favorably than another person or group in a comparable situation because of his/her sex, family status, motherhood (pregnancy) or fatherhood, sexual orientation, and sexual identity.
Latvia	The Law on the Prohibition of Discrimination of Natural Persons - Performers of Economic Activity , which prohibits direct and indirect discrimination based on gender in economic activities, defines indirect discrimination as an evidently neutral provision, criterion or practice which creates or could create an unfavorable outcome for a person due to the gender, among other grounds.
Philippines	The Magna Carta of Women defines “discrimination against women” as any gender-based distinction, exclusion, or restriction which has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field. It includes any act or omission, including by law, policy, administrative measure, or practice, that directly or indirectly excludes or restricts women in the recognition and promotion of their rights and their access to and enjoyment of opportunities, benefits, or privileges.
Slovakia	The Act on Equal Treatment in Certain Areas and on Protection against Discrimination defines discrimination as direct discrimination, indirect discrimination, harassment, sexual harassment and unjustified punishment; and prohibits discrimination on the grounds of sex, race, age, sexual orientation, marital status, gender, among other factors.

3. **Are there quotas for women (reserved seats) in, or quotas for women in candidate lists for national parliament?**

Women continue to be underrepresented at all levels of political leadership. Good practice includes putting in place temporary special measures, such as reserved seats or quota systems, which have the capacity to accelerate the elimination of discrimination against women and equal participation of women in the political, economic, social, cultural or other fields.

Country	Example
Albania	The Electoral Code of the Republic of Albania requires that at least 30% of candidates on electoral lists of political parties and one third of the top-ranked candidates for each electoral constituency be from either gender.
Bolivia	The Electoral Regime Law mandates gender equality and equal opportunities between women and men by requiring that the lists of candidates for Senators, Deputies, Departmental and Regional Assembly Members, Councilors and Municipal Councilors, and other elective authorities, holders and alternates, respect gender parity and alternation between women and men so that there is a female nominee and then a male nominee; a male alternate candidate and then a female alternate candidate, successively. At least 50% of the candidates are required to be women.
Chile	Ley No. 20.840 ensures a 40% quota for women elected at the national level.
Iraq	The Constitution of Iraq stipulates that the elections law shall aim to achieve a percentage of representation for women of not less than one-quarter of the members of the Council of Representatives.
Jordan	The Law on the Election of the House of Representatives Law reserves 15 seats for women out of 130 total seats.
Mexico	The General Law on Electoral Institutions and Procedures sets gender quotas for party lists in federal district elections at 50% and requires that male and female candidates alternate placement on the list.
Republic of	The Electoral Code and Law Ensuring Equal Opportunities between Men and Women requires that lists

Moldova	of candidates for parliamentary and local elections have a minimum rate of 40% for representation of both sexes, and that political parties respect a minimum quota of representation of 40% for both sexes.
Poland	The Election Code stipulates that the list of candidates for parliamentary elections for the lower house must be at least 35% women and at least 35% men.
Rwanda	The Constitution of Rwanda stipulates that women are to occupy at least 30% of the positions in decision-making organs. This includes the Chamber of Deputies and the Senate.
Spain	The General Electoral Law requires political parties to incorporate in all electoral lists no fewer than 40% and no more than 60% of candidates of each sex. The measures are structured to prevent women being systematically allocated unwinnable places at the bottom of the list, since the 40% quota applies not only to the list as a whole but also to each group of five candidates.

4. Do women and men have equal rights to confer citizenship to their spouses and their children?

Gender discrimination in nationality laws perpetuates women’s unequal status in society and the family.¹ Additionally, gender discrimination in nationality laws places many children worldwide at risk of statelessness and can result in wide-ranging violations of children’s rights, including obstacles to family unity, freedom of movement, access to education, healthcare, and social services, the right to an inheritance, and freedom from child marriage, in addition to other hardships and rights violations.² Good practice laws ensure that men and women have equal rights to confer citizenship to their children and spouses.

Country	Example
Belarus	Under the Law of the Republic of Belarus on Citizenship of the Republic of Belarus , a child can obtain citizenship by birth provided that at least one parent is a citizen, regardless of the child’s place of birth. A person married to a citizen of Belarus can also acquire citizenship. Children can also acquire citizenship if either parent acquires citizenship.
Ethiopia	The Ethiopian Proclamation on Nationality allows all Ethiopian nationals to pass citizenship to children and spouses, without distinction based on gender.
Guinea	The Civil Code provides that foreigners can contract marriage with Guineans and acquire nationality after two years. This period is waived in the event of the birth of a child whose parentage is established with regard to both spouses.
Mozambique	The Constitution of Mozambique allows both men and women who are citizens to pass citizenship on to children, including through adoption, and to pass citizenship on to spouses after five years of marriage. Both men and women who become citizens through naturalization can also pass citizenship to minor children.
Suriname	The Nationality and Residence Law grants Surinamese women the same rights as men to pass their nationality to their children and spouses.
Zimbabwe	The Constitution of Zimbabwe provides that persons are Zimbabwean citizens by birth if they were born in Zimbabwe and, when they were born, either their mother or their father was a Zimbabwean citizen or any of their grandparents was a Zimbabwean citizen by birth or descent.

5. Does the law establish a specialized independent body tasked with receiving complaints of discrimination based on gender?

Good practice laws ensure that women can invoke the principle of equality in support of complaints of discrimination based on gender, committed by public officials or by private actors. In addition to courts, they provide for the establishment of independent bodies mandated to promote and protect the principle of equality and receive complaints of gender discrimination. Such bodies may include gender equality commissions, ombudspersons or national human rights institutions.

¹ <https://www.unhcr.org/ibelong/wp-content/uploads/Gender-discrimination-childhood-statelessness-web.pdf>

² <https://www.unhcr.org/ibelong/gender-discrimination-and-stateless-children/>

Country	Example
Denmark	The Executive Order on the Equal Treatment Board Act stipulates that the Equal Treatment Board deals with complaints of discrimination on grounds of sex, race, color, religion or belief, political views, sexual orientation, age, disability or national, social or ethnic origin. It also specifies that the Board shall investigate complaints relating to violations of the Gender Equality Act, Equal Pay Law for Men and Women, the Act on Equal Treatment of Men and Women with Regard to Employment, the Law on Equal Treatment of Men and Women in Occupational Social Security Schemes, and the Law on the Right to Leave and Unemployment Benefits at Maternity.
North Macedonia	The Law on Prevention and Protection against Discrimination establishes a Commission for prevention of discrimination. A person that considers that they have been subject to discrimination, including direct and indirect discrimination on the grounds of sex, gender, family or marital status, can submit complaints to the Commission without paying fees and other costs.
Republic of Korea	Under the National Human Rights Commission Act , the National Human Rights Commission is responsible for investigating violations of human rights and discriminatory acts, and may propose a remedy necessary for the fair resolution of a case. A person who has been discriminated against, or any other person or organization that is aware of such discrimination, may file a petition to the Commission.
Rwanda	Under the Law determining the responsibilities, organization and functioning of the gender monitoring office in Rwanda , the gender monitoring office has a mandate to receive complaints of gender based injustice, and submit them to the relevant bodies for action and follow up. The office can also submit complaints of injustice and gender-based violence to the Judicial Police, the Prosecution and the Judiciary and ensure their settlement.
Serbia	The Law on the Prohibition of Discrimination regulates the general prohibition of discrimination, including on the grounds of gender, gender identity, and sexual orientation, and establishes the Commissioner for the Protection of Equality as an independent state organ. The Commissioner has the authority to receive and review discrimination complaints, provide opinions and recommendations in specific cases, and pass measures in accordance with the Law.
Uganda	The Equal Opportunities Commission Act establishes the Commission with a broad mandate to investigate or inquire into any act, circumstance, conduct, omission, programme, activity or practice which seems to amount to or constitute discrimination, marginalization or to otherwise undermine equal opportunities, including on the basis of sex and gender. The Commission has several functions, including ensuring that organs of the State at all levels, statutory bodies and agencies, public bodies and authorities, private businesses and enterprises, non-governmental organizations, and social and cultural communities, are compliant with equal opportunities and affirmative action.

6. Is legal aid mandated in criminal matters? / Is legal aid mandated in civil/family matters?

Good practice includes ensuring that the provision of free or low-cost legal aid, advice and representation in all fields of law, including criminal, civil and family law, is accessible to all women. This is a crucial element in guaranteeing that justice systems are accessible to women.

Country	Example
Bangladesh	The Legal Aid Services Act guarantees legal aid to litigants in civil, family or criminal matters that are experiencing financial insolvency, destitution, helplessness or other various socio-economic conditions that present barriers to accessing justice.
Brazil	The Constitution of the Federative Republic of Brazil and Resolution 89/2008 guarantee the right to full and free legal assistance in criminal, civil, military and labour proceedings for those who prove insufficient resources. Additionally, the Resolution provides guidance to the Public Defender's Office on the principles and conditions under which this aid shall be provided.
Fiji	The Constitution of the Republic of Fiji establishes the right to legal aid for a person charged with an

	<p>offence who is without sufficient means in civil and criminal proceedings. The Legal Aid Act further establishes a Legal Aid Commission that provides free or reduced fee legal services, as well as public education programmes.</p>
Guatemala	<p>The Criminal Procedure Code provides that a person who wishes to file a complaint but lacks the financial means to do so may request the sponsorship of the Public Ministry, and in respect of criminal defense, can have a defender who is paid according to a special tariff regime established by the Treasury of the Judicial Branch. The Civil and Commercial Procedure Code stipulates that those who lack the resources to litigate may be entitled to free legal assistance, including assistance from a lawyer, and not being obliged to pay fees, constitution of deposits and other expenses caused by the process.</p>
Kazakhstan	<p>The Criminal Procedure Code, Civil Procedure Code and the Law on State-Guaranteed Legal Aid guarantee that everybody shall have the right to receive qualified legal assistance in the course of criminal procedures and civil proceedings, and that legal assistance shall be rendered free of charge in cases provided for by the law.</p>
Kenya	<p>The Legal Aid Act establishes the right of an accused women to legal aid in both criminal and civil/family matters, that is provided at no cost for persons without sufficient means or where the interests of justice require.</p>
Norway	<p>Free legal assistance in both criminal and civil cases is guaranteed by the Criminal Procedure Act , which entitles the accused to assistance of counsel, and the Law on Free Legal Aid, which ensures necessary legal assistance to persons who do not have the financial ability to pay for it themselves. Free legal aid is paid in whole or in part by the State and is given as free legal counsel, free trial or exemption from legal fees.</p>

Area 2: Violence against women

AVERAGE ACHIEVEMENT SCORE

On average countries score 78 per cent in the area of violence against women.

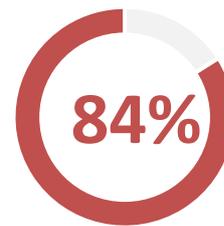
DATA HIGHLIGHTS



of countries have legislation on domestic violence that includes physical, sexual, emotional and economic violence



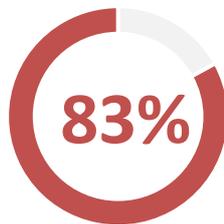
of countries have laws on rape based on lack of consent, without requiring proof of physical force or penetration



of countries have legislation explicitly criminalizing marital rape or entitling a woman to file a complaint for rape against her husband or partner



of countries have legislation that specifically addresses sexual harassment



of countries have budgetary commitments provided for by government entities for the implementation of legislation addressing violence against women



of countries have a national action plan or policy to address violence against women that is overseen by a national mechanism with the mandate to monitor and review implementation

GOOD PRACTICES

7. Is there legislation on domestic violence that includes physical/ sexual/ emotional/ economic violence?

Domestic or intimate partner violence is the most common form of violence experienced by women globally. Within family relationships women of all ages are subjected to violence of all kinds, including battering, sexual assault, mental, economic and financial isolation, which are perpetuated by traditional attitudes. Recent data from 161 countries show that nearly 1 of 3 women (30%) have been subjected to physical and/or sexual violence by a husband or intimate partner or sexual violence by a non-partner at least once in their lifetime since the age of 15.³ Comprehensive domestic violence legislation is a key step towards ensuring women's protection against violence. Good practice laws should include a comprehensive definition of domestic violence, including physical, sexual, psychological and economic violence. Other elements of good practice include ensuring that the law applies to all intimate relationships, including marital, non-marital, same sex and non-cohabiting relationships, and provides for effective penalties, protection orders, support services, and prevention strategies.

Country	Example
Barbados	The Domestic Violence (Protection Orders) Act defines domestic violence as the willful infliction or threat of infliction of harm by one person in a domestic relationship upon another person in that relationship and includes child abuse, emotional, abuse, financial abuse, physical abuse and sexual abuse. The law provides for the availability of protection orders and enumerates the duties of members of the police force in responding to domestic violence complaints.
Brazil	The Maria da Penha Law recognizes all forms of domestic violence (physical, emotional, sexual and economic), provides for criminal penalties for acts of domestic violence and establishes a specialized court to handle such cases. It protects former and current partners or spouses as well as unmarried intimate partners and provides for protection orders.
Lebanon	The Protection of Women and Family Members from Domestic Violence covers all four forms of violence, as well as provides for the availability of protection orders and establishes specialized police domestic violence units.
Malta	The Gender-Based Violence and Domestic Violence Act defines domestic violence as all acts or omissions including verbal, physical, sexual, psychological or economic violence causing physical and, or moral harm or suffering, including threats of such acts or omissions, coercion, or arbitrary deprivation of liberty, that occur within the family or domestic unit, whether or not the perpetrator shares or has shared the same residence with the victim, and shall include children who are witnesses of violence within the family or domestic unit. It also establishes the Commission on Gender-Based Violence and Domestic Violence.
New Zealand	The Domestic Violence Act defines violence as including physical abuse, sexual abuse, and psychological abuse, including, but not limited to intimidation, harassment, damage to property, threats, and financial or economic abuse. The Act also stipulates that a person is in a domestic relationship with another person if the person is a spouse or partner of the other person; or is a family member of the other person; or ordinarily shares a household with the other person; or has a close personal relationship with the other person. A protection order may be made on an application without notice if the court is satisfied that the delay that would be caused by proceeding on notice would or might entail a risk of harm or undue hardship.
Romania	The Law on Preventing and Fighting Against Domestic Violence recognizes physical, psychological, sexual and financial/economic violence as domestic violence, and further stipulates that domestic violence can be committed by one family member against another member of the same family. In the law, the definition of "family member" includes spouses and former spouse, as well as cohabitants who have established relationships similar to those of spouses.

³ World Health Organization, Violence Against Women Factsheet, 9 March 2021, available at <https://www.who.int/news-room/fact-sheets/detail/violence-against-women>.

8. Are laws on rape based on lack of consent, without requiring proof of physical force or penetration?

Legal definitions of rape have evolved over time, from requiring use of force or violence, to a basis of lack of consent. Good practice laws remove any requirement that the victim produce proof of penetration or force or violence and base the legal definition of rape on lack of freely given consent, taking into account coercive circumstances.

Country	Example
Israel	The Penal Code defines rape as having intercourse with a woman without her freely given consent; with a woman's consent when such consent was obtained by deceit, or if the woman is a minor below the age of 14; exploiting her state of unconsciousness or other condition that prevents her from giving her free consent; or exploiting a mental illness or deficiency so that consent did not constitute free consent. The law also lists aggravating circumstances which would raise the criminal penalty for rape.
Jamaica	The Sexual Offences Act states that a man commits the offence of rape if he has sexual intercourse with a woman without her consent and knowing that she does not consent or recklessly not caring whether she consents or not. The law further clarifies that consent shall not be treated as existing when it is extorted by physical assault or threats or fear or physical assault to the complainant or to a third person or obtained by false representation as to the nature of the act or the identity of the offender.
Malawi	The Penal Code stipulates that any person who has unlawful carnal knowledge of a woman or girl, without her consent, or with her consent if the consent is obtained by force or means of threats or intimidation of any kind, or by fear of bodily harm, or by means of false representations as to the nature of the act, or in the case of a married woman, by personating her husband, shall be guilty of the felony termed rape.
Namibia	The Combatting of Rape Act defines rape as when any person (the perpetrator) intentionally under coercive circumstances commits or continues to commit a sexual act with another person or causes another person to commit a sexual act with the perpetrator or with a third person. The law includes a broad range of coercive circumstances.
Nepal	The Muluki Ain (General Code) defines the offense of rape as a person entering into sexual intercourse with a woman without her consent or with a girl below the age of sixteen years with or without her consent. The law further clarifies that consent taken by using fear, coercion, undue influence, misrepresentation or use of force or kidnapping or hostage taking (abducting), as well as consent taken when the woman is not in a conscious condition shall not be considered consent.
Sweden	The Criminal Code stipulates that person commits rape by performing intercourse or another sexual act which is comparable to intercourse with another person without their voluntary participation. The law further explains that, when assessing whether a participation is voluntary or not, special consideration must be given to whether voluntariness has been expressed through words or deeds or in any other way. A person can never be considered to participate voluntarily if the participation is the result of abuse, other violence or threats; or if the perpetrator exploits the person's vulnerable situation due to unconsciousness, sleep, serious fear, intoxication or other drug exposure, illness, bodily injury, mental disorder or other circumstances; or if the perpetrator seriously abuses the person's dependence on them.
United Kingdom	The Sexual Offences Act defines several types of sexual offences based on an intentional act by person A against person B, where person B did not consent and person A did not reasonably believe that there is consent. The law further notes that whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps the perpetrator has taken to ascertain whether the victim consents.

9. Does legislation explicitly criminalize marital rape or does legislation entitle a woman to file a complaint for rape against her husband or partner?

Laws that exclude marital rape from the prohibition of rape strengthen patriarchal family structures and fail to address discrimination and violence against women. Good practice laws prohibit marital rape and remove any legal barriers to a woman's

ability to file a complaint for rape against her husband or partner.

Country	Example
Cyprus	The Domestic Violence (Prevention and Protection of Victims) Law states that the offenses of rape and attempted rape under the Penal Code may be deemed to be committed by a spouse against a spouse.
France	The Criminal Code criminalizes marital rape and deems it an aggravating circumstance that can increase the penalty of imprisonment to 20 years.
Mozambique	The Criminal Code criminalizes rape and enumerates a spousal relationship as being an aggravated circumstance.
Philippines	The Anti-Violence Against Women and Their Children Act explicitly prohibits rape committed by any person against a woman who is his wife, former wife, or against a woman with whom the person has or had a sexual or dating relationship, or with whom he has a common child, within or without the family abode.
Trinidad and Tobago	The Sexual Offences Act explicitly criminalizes the act of rape between persons in marital relationships, by making it clear that the section applies to a husband, or any cohabitant in relation to the commission of the offence of rape on his wife.

10. Is there legislation that specifically addresses sexual harassment?

Sexual harassment is both a form of gender discrimination and a form of violence against women, that can occur in the workplace, in educational institutions, public spaces and elsewhere, effectively impeding women and girls' equal and effective participation in society, as well as economic and political life. Good practice laws prohibit sexual harassment and address the issue in a comprehensive way. Elements of good practice include defining sexual harassment as unwanted sexually determined behavior, prohibiting sexual harassment in a wide range of areas of public life, both in public and private sector, and providing complaints mechanisms and remedies to eliminate impunity, revictimization and retaliation.

Country	Example
Argentina	The Law on Integral Protection to Prevent, Punish and Eradicate Violence against Women in the Areas in which they Develop their Inter-Personal Relationships prohibits sexual harassment and deems it a form of violence against women. It also defines labour violence against women as including harassment.
Colombia	The Penal Code criminalizes sexual harassment, providing that anyone who, for the benefit of himself or a third party and using his manifest superiority, authority or power relations, age, sex, work, social, family or economic position, harasses, persecutes, or physically or verbally besieges another person for non-consensual sexual purposes, will incur in prison from one to three years.
Dominican Republic	The Labour Code prohibits employers from taking actions against employees that may be considered sexual harassment, or from supporting or failing to intervene in cases where their agents commit such actions. Additionally, the Penal Code defines sexual harassment as any order, threat, constraint or offer intended to obtain sexual favors, committed by a person (man or woman) who abuses his or her conferred authority. Under the Penal Code , sexual harassment is punishable by one year in prison and a fine of 5,000 to 10,000 pesos.
India	The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act recognizes the right to gender equality and to a safe working environment, free from sexual harassment or abuse, based on the Constitution and India's international obligations under CEDAW. Further, the 2013 Criminal Law (Amendment) Act makes sexual harassment a crime punishable by rigorous imprisonment, fines or both. Sexual harassment including physical contact and advances involving unwelcome and explicit sexual overtures, demands or requests for sexual favours, showing pornography against the will of women, or making sexually coloured remarks.
Lithuania	The Law on Equal Opportunities for Women and Men prohibits sexual harassment in education and established civil remedies for sexual harassment in the workplace.

Morocco	Under the Penal Code , sexual harassment is punishable by imprisonment from one year to three years and a fine of five thousand to fifty thousand dirhams. The Labour Code also states that sexual harassment is a serious offense committed by an employer, head of the company or establishment against an employee.
Pakistan	The Protection Against Harassment of Women at the Workplace Act provides administrative penalties and fines for sexual harassment, while the Penal Code establishes criminal sanctions for sexual harassment in the workplace and public spaces such as markets, public transport, streets or parks.
Romania	The Penal Code criminalizes sexual harassment in a working relationship or similar relationship, punishable by imprisonment from 3 months to one year or with a fine. The Law on Equal Opportunities Between Women and Men defines sexual harassment as an unwanted behavior with sexual connotation and includes it as a form of discrimination based on sex, and calls for active measures to prevent and combat harassment in the workplace.

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

Without adequate funding, legislation addressing violence against women cannot be implemented effectively. Countries have increasingly adopted legislation on violence against women containing provisions requiring budgetary allocation for implementation, which constitutes good practice. Good practices also include specific allocation in government budgets for programmes, activities or services addressing violence against women, such as the creation of a specialized prosecutor's office or specialized police units. It is important that any budgetary allocation be based on a full analysis of funding required to implement all relevant measures.

Country	Example
Cabo Verde	The Act on Gender Based Violence mandates the government to create an independent fund to support victims of gender-based violence. Part of the revenue of this fund must be earmarked for the maintenance of offices and shelters, as well as to carry out recovery programmes, counseling, education and prevention programmes.
Greece	Law 3500/2006 entitles victims of domestic violence to support and the necessary material assistance. Law 4342/2015 further provides for the continuation of structures to support women victims of violence.
Malaysia	The Malaysia One Stop Crisis Centre (OSCC) is a service provided at all government general hospitals in Malaysia. This centre is open 24 hours a day and caters to all cases pertaining to abuse, violence and exploitation of adults and children.
Montenegro	The Action Plan for Achieving Gender Equality APAGE mandates the allocation of "regular funding" to the gender-based violence programme.
State of Palestine	Budget is allocated for the Family Protection Unit and Juvenile Unit within the Palestinian police receives and deals with domestic violence cases, as well as for the Family Protection from Violence Prosecution , a specialized prosecution office within the State of Palestine's Public Prosecution.
United Arab Emirates	Law No 15 of 2007 on the creation of Dubai Foundation for Women and Children established support for women and children victims of domestic violence, including shelter and psychological care. It specifies that the foundation's financial resources include general budget from the government.
Viet Nam	The Law on Domestic Violence Prevention and Control obliges the State to allocate an appropriate budget for domestic violence. Additionally, a joint circular issued by the Ministry of Finance and Ministry of Culture, Sports and Tourism on State Budget for the Prevention Of Domestic Violence specifies the level of support for non-public domestic violence survivor support establishments and counseling support establishments.

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

Good practice includes establishing a comprehensive National Action Plan to address violence against women which Governments and stakeholders can use to coordinate action and track results. Elements of good practice include providing an institutional mechanism with responsibility for monitoring progress and specifying benchmarks.

Country	Example
Albania	The National Strategy and Action Plan on Gender Equality aims to reduce gender-based violence and domestic violence. It gives a mandate to the Ministry of Social Welfare and Youth coordinate the data collection process on the achievement of this goal from all gender employees in Ministries, the results of which are then disseminated through an annual publication. The full list of indicators for monitoring and evaluating this Strategy are also included in the National Statistical Programme. The Ministry also reports on the progress and implementation of the Strategy to the National Gender Equality Council.
Ireland	The Second National Strategy on Domestic, Sexual and Gender-based Violence and Action Plan aims to change societal attitudes to support a reduction in domestic and sexual violence, improve supports available to victims and survivors, and hold perpetrators to account. The monitoring structures for this strategy consists of a monitoring committee composed of stakeholders from all sectors working together in partnership, with a twice-yearly monitoring cycle in relation to actions under the strategy.
Jamaica	The Gender-Based Violence National Strategic Action Plan is a multisectoral plan that takes a comprehensive approach toward the elimination of gender-based violence, and has five strategic priority areas: 1. Prevention; 2. Protection; 3. Investigation and Prosecution; 4. Punishment and Reparations and 5. Development of Protocols for Systems Management and the Coordination of Data. Its focus on prevention includes various campaigns for the prevention of gender-based violence and sexual violence conducted by the Office of Gender Affairs, as well as gender training for officials from the public sector and civil society organizations conducted by the Bureau of Gender Affairs.
Malawi	The National Plan of Action to Combat Gender-Based Violence in Malawi sets out priority actions to address gender-based violence and sets out a plan for ‘whole-of-government’ action for a more effective system to prevent GBV. It is envisaged that there will be clearer societal acknowledgment of the unacceptability of GBV; greater recognition and a broader understanding of GBV; greater confidence in high-quality and consistent services; improved services for survivors; increased accountability and rehabilitation of the perpetrator; improved data collection for future action; and structured and improved planning and monitoring to ensure continued effectiveness. The Ministry of Gender, Children, Disability and Social Welfare is responsible for providing overall policy direction and oversight with respect to implementation of the Plan.
United Republic of Tanzania	The National Plan of Action to End Violence Against Women and Children in Tanzania contains detailed and clear targets and qualitative and quantitative indicators as well as a results framework for measuring the elimination of violence against women. The Plan identifies a technical government ministry to monitor and evaluate the implementation of the Plan and build the capacity of key stakeholders to participate in the monitoring process. It provides for quarterly, semi-annual and annual monitoring to assess performance and provide opportunity to reflect on best practices, challenges and lessons learned.
Uruguay	The Action Plan for a Life Free from Gender-based Violence, with a Generational Perspective , was developed by the National Advisory Council to Combat Domestic Violence. It outlines three general objectives, which include decreasing the number of femicides, decreasing the frequency of deaths of women from domestic violence, and decreasing the number of women who have experienced some form of gender-based violence. It further outlines specific objectives, which include the implementation of an inter-institutional system for responding to gender-based violence; promoting the acceptance of diversity and solidarity and the modification of culture; awareness-raising and training for a broad range of public and private stakeholders; developing a comprehensive information system that allows viewing, monitoring and following up on the different aspects of gender-based violence; and strengthening the National Advisory Council and the mainstreaming of policies for the eradication of gender-based violence. The Uruguayan Network Against Domestic and Sexual Violence has the main responsibility of monitoring implementation.

Area 3: Employment and economic benefits

AVERAGE ACHIEVEMENT SCORE

On average countries score 77 per cent in the area of employment and economic benefits.

DATA HIGHLIGHTS



of countries mandate nondiscrimination on the basis of gender in employment



of countries mandate equal remuneration for work of equal value



of countries have laws that provide for maternity or parental leave available to mothers in accordance with the ILO standards



of countries have laws that provide for paid paternity or parental leave available to fathers or partners



of countries have childcare that is publicly provided or subsidized

GOOD PRACTICES

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

Good practice laws protect women from discrimination in the workplace based on gender. Elements of good practice include applying to all aspects of employment (including hiring, promotions and termination) and protecting women from discrimination based on pregnancy, marital or family status.

Country	Example
Costa Rica	The Labour Code prohibits all discrimination at work on the grounds of age, ethnicity, sex, religion, race, sexual orientation, marital status, political opinion, national descent, social origin, affiliation, health condition, disability, union affiliation, situation economic or any other analogous form of discrimination. It is specifically forbidden to dismiss workers on these grounds, and all workers are to have the same opportunities to obtain employment.
Fiji	The Employment Relations Promulgation prohibits discrimination against any worker or prospective worker on the grounds of gender, marital status, pregnancy, family responsibilities, in respect of recruitment, training, promotion, terms and conditions of employment, termination of employment or other matters arising out of the employment relationship.
Finland	The Law on Equality between Men and Women serves to prevent discrimination based on sex and to promote equality between women and men, including in employment. According to the law, every employer must promote gender equality in working life in a goal-oriented and planned manner. This specifically applies to vacancies, promotions and career advancements, equality in working conditions, including wages, developing working conditions that are suitable for both men and women, and facilitating the reconciliation of work and family life.
Luxembourg	The Labour Code prohibits any discrimination based on sex, either directly or indirectly, including on marital or family status. This provision applies to the conditions of access to employment, self-employed activities or work, including the selection criteria and the recruitment conditions, whatever the industry and at all levels of the professional hierarchy, including in matters related to promotions, access to all types and all levels of vocational guidance, vocational training, advanced training and retraining, conditions of employment and work, including dismissal and wages, and affiliation to, and engagement in, an organization of employees or employers, or any organization whose members practice a given profession.
Switzerland	The Gender Equality Act stipulates that employees must not be discriminated against on the basis of their sex, whether directly or indirectly, including on the basis of their marital status, their family situation or, in the case of female employees, of pregnancy. Specifically, this prohibition applies in particular to hiring, allocation of duties, setting of working conditions, pay, basic and continuing education and training, promotion and dismissal.
United Republic of Tanzania	The Employment and Labour Relations Act prohibits employers from discriminating, directly or indirectly, against an employee based on several grounds, including sex, gender, pregnancy, marital status or family responsibility. The prohibition on discrimination specifically applies to any policy or practice relating to recruitment procedures, advertising and selection criteria, appointments and the appointment process, job classification and grading, remuneration, employment benefits and terms and conditions of employment, job assignments, the working environment and facilities, training and development, performance evaluation systems, promotion transfer, demotion, termination of employment and disciplinary measures.

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

Laws guaranteeing equal pay are essential for closing the gender wage gap and contributing to women's economic empowerment. Good practice laws refer to the standard of "equal remuneration for work of equal value" allowing for the comparison of not only the same jobs but also different jobs of equal value, including jobs in a different workplace or under a different employer (see ILO Convention 100 on Equal Remuneration).

Country	Example
Australia	The Fair Work Act includes unequal pay on the basis of sex is a form of sex discrimination. It also gives a mandate to the Fair Work Commission to make equal remuneration orders for the equal remuneration for men and women workers for work of equal or comparable value. In addition, the Workplace Gender Equality Act requires all non-public sector employers with 100 or more employees to publicly report to the Workplace Gender Equality Agency on the remuneration of men and women.
Croatia	The Labour Act of Croatia guarantees equal pay for work of equal value, providing examples of the different circumstances that would amount to “work of equal value”, and defining “pay” expansively to include minimum salary and any additional benefits of any kind, whether directly or indirectly by the employer, in cash or in kind. In addition, unequal remuneration on the basis of gender is a form of gender discrimination under the Law on Gender Equality .
Estonia	The Gender Equality Act prohibits conditions for remuneration or for the provision and receipt of benefits which are less favourable regarding an employee or employees of one sex compared with an employee or employees of the other sex doing the same work or work of equal value.
Mauritius	The Workers' Rights Act requires every employer to ensure that the remuneration of a worker shall not be less favourable than the remuneration of another worker performing work of equal value.
Peru	The Law Prohibiting Pay Discrimination between Men and Women and the Law on Equal Opportunities for Men and Women mandate equal remuneration for men and women who perform work of equal value.
Thailand	The Labour Protection Act states that where the work to be performed is of the same nature, quality and quantity or the work is of the equivalent value, the wage, overtime pay, holiday pay and holiday overtime pay shall be fixed by the employer in the same rate regardless of whether the employee is male or female.

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

Paid maternity and parental leave schemes for women are critical family-related provisions that facilitate women’s employment and enhance their income security while making it possible for both women and men to spend time caring for young children. Good practice laws provide for a minimum of 14 weeks of maternity leave with at least two-thirds of her previous earnings (see ILO Maternity Convention 2000 (No.183)).

Country	Example
Bulgaria	The Labour Code guarantees women 410 days of paid maternity leave and the Social Insurance Code sets that the daily maternity leave cash benefit at 90 percent of average daily gross wage for the period of 24 calendar months preceding the month of maternity leave (subject to a minimum and maximum amount).
Czech Republic	The Labour Code and the Sickness Insurance Act allow a woman to take 28 weeks of maternity leave, and 37 weeks of maternity leave for the birth of two or more children, while retaining 70% of her wage.
New Zealand	The Parental Leave and Employment Protection Act guarantees 26 weeks of primary carer leave. Parental leave payments are paid weekly for one continuous period of up to 26 weeks and are equivalent to 100% of the primary carer’s ordinary weekly pay (subject to a maximum).
Paraguay	Between 2015 and 2018, the Law on the Promotion, Protection of Maternity and Support for Breastfeeding gradually increased the duration of maternity leave from 14 to 18 weeks and the amount of maternity benefits from 50% to 75% of the woman’s previous earnings.
Slovakia	The Labour Code and Act on Social Insurance stipulates that a woman is entitled to 34 weeks of maternity leave with 75% of her wage in connection with childbirth and care of a newborn child. A single woman is entitled to 37 weeks, and a woman who has given birth to two or more children at the same time is entitled to 43 weeks.

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

Good practice laws guarantee fathers or partners paid leave upon the birth of a child. In addition to maternity leave, paternity leave is a positive measure that can promote family-friendly working environments, foster a more equitable division of child-rearing responsibilities in the family, and help recognize and redistribute unpaid care work.

Country	Example
Germany	The Parental Benefits and Leave Act provides for the option for fathers to take parental leave for up to a total of 24 months with an allowance paid by the government for the initial 14 months. To encourage male employees to use this leave, the Government adopted a “use it or lose it” approach, where a certain portion of family leave could be used only by the father.
Iceland	Under the Act on Maternity and Parental Leave , fathers are entitled to four months of paternity leave, which is non-transferable, with an additional two months as shared parental leave. During this time, an employee will receive 80% of his/her average total salary each month.
Japan	Under the Child Care and Family Care Leave Act and the Employment Insurance Act , fathers are entitled to a year of paid parental leave as an individual entitlement. Parental leave benefits are paid at a rate of 67 percent of previous earnings for the first 180 days and then at 50 percent for the remaining period, subject to a cap.
Portugal	The Labour Code provides for exclusive parental leave for the father, which provides that it is mandatory for fathers to take 15 working days of parental leave, consecutive or interpolated, in the 30 days following the birth of the child, five of which are to be taken consecutively immediately after birth. After this period of mandatory leave, the father is entitled to take 10 additional working days of leave, consecutive or interpolated, provided that they are taken simultaneously with the mother’s initial maternity leave. Extra time is allotted in the case of multiple births. During this exclusive parental allowance, the father will receive 100% of his reference salary.
Slovenia	The Parental Protection and Family Benefits Act guarantees 30 days of paid paternity leave and grants 130 days of paid parental leave to fathers as an individual entitlement.

17. Is childcare publicly provided or subsidized?

Accessible, affordable and quality public assistance for childcare can reduce the time women allocate to unpaid care work by shifting some of it out of the family. Universal quality childcare services are among the most effective tools for supporting the labour force participation of women with young children. Good practice includes a framework for the provision of quality, adequately resourced, developmentally appropriate and culturally relevant childcare services, tailored to the developmental priorities of particular age groups, from infancy through to transition into school.

Country	Example
Argentina	The Law on National Education guarantees care for children starting from 45 days old. According to the law, care is to be carried out by qualified teaching staff, as established by the regulations in force in each jurisdiction.
Austria	Under the Agreement under Article 15a of the Austrian Federal Constitutional Law regulating the expansion of institutional childcare offers , the federal government and state governments jointly subsidize childcare, with particular attention to childcare that is compatible with full employment of the parents. Incentives are also provided for childcare for three-to six-year-olds to eliminate regional deficits.
Cameroon	The Decree Establishing the Terms of Opening, Organization and Operation of Crèches and Daycare Centers provides that nurseries and day care centers for children ages 0-3 may be established the State, the Municipalities and other legal persons governed by public law, as well as legal and natural persons governed by private law, and places these facilities under the direct supervision of the Ministry in charge of the promotion of the family. Additionally, the Law Establishing the Rules relating to the Organization and Operation of Private Education in Cameroon provides for government subsidies for private childcare

	institutions.
Costa Rica	Law 9220 establishes a National Network of Child Care and Development that guarantees the right of all children aged 0-6 to public, universal and subsidized childcare services tailored to their developmental needs.
Finland	Under the Early Childhood Education Law , municipal early childhood education is available from when the maternity and parental allowance periods finish until the child goes to primary school. As an alternative, parents can choose to use private day care centers whose fees will be covered by the Social Insurance Institution through the Private Daycare Allowance.
Norway	The Act on Daycare Institutions obliges each municipality to ensure that there are a sufficient number of day care places for children under compulsory school age, and administers grants for non-municipal day care institutions in the municipality.

Area 4: Marriage and family

AVERAGE ACHIEVEMENT SCORE

On average countries score 79 per cent in the area of marriage and family.

DATA HIGHLIGHTS



of countries stipulate at least 18 years as the minimum age of marriage for women and men, with no legal exceptions



of countries ensure women and men have equal rights to choose a profession



of countries grant women and men equal rights to own, access and control marital property including upon divorce

GOOD PRACTICES

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

Child, early and forced marriage disproportionately affects women and girls globally, disrupting their education, making them more vulnerable to violence, discrimination and abuse, fueling higher than average maternal mortality rates and preventing their full participation in economic, political and social spheres. Good practice laws provide a minimum age of marriage of 18 for both women and men without exceptions.

Country	Example
Ecuador	The Civil Code establishes the legal minimum age 18 years for both with no exceptions.
El Salvador	The Family Code sets the minimum age of marriage 18 with no exceptions.
Nigeria	The Child's Rights Act provides that no person under the age of 18 years is capable of contracting a valid marriage, and no parent, guardian or any other person shall betroth a child to any person.
Panama	The Family Code sets the legal age of marriage and the age for consent at 18 years for both girls and boys, with no exceptions.
Switzerland	The Civil Code states that prospective spouses must have reached 18 years of age and have the capacity of judgement in order to be able to marry. There are no exceptions.
Trinidad and Tobago	The Marriage Act , which harmonized marriage laws applying to various religious groups, establishes 18 years of age as the minimum age of marriage with no exceptions.

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

Provisions requiring women to obtain permission from their husband to take up employment or giving the husband the right to object are contrary to the principle of equality of opportunity and treatment for women in employment and occupation.

Good practice laws ensure women and men have equal rights to choose a profession (see Article 16(g) of CEDAW which requires States parties to ensure on a basis of equality of men and women the same personal rights as husband and wife, including the right to choose a profession and an occupation).

Country	Example
Chile	The Civil Code states that a married woman of any age can freely dedicate to exercise a job, trade, profession or industry.
Honduras	The Family Code provides that both spouses have the right to exercise their professions or trade.
Kyrgyzstan	The Family Code of the Kyrgyz Republic on equality of spouses in the family states that each spouse is free to choose his or her job, occupation, or place of residence.
Morocco	The Labour Code states that women have the right to conclude an employment contract. Further, the Commercial Code establishes that a married woman can trade without her husband's permission and that any contrary agreement is deemed void.
Serbia	The Family Code provides that spouses are free to decide independently from each other on their profession and work.

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

Good practice laws provide equal rights for women and men to own, access and control marital property. Women's access to, use of and control over land and property, including marital property, are essential to ensuring their right to equality and to an adequate standard of living. Elements of good practice include recognizing full or partial community of property as the default marital property regime, ensuring the joint administration of marital property, and providing, upon divorce or separation, for equality between the parties in division of property accumulated during marriage.

Country	Example
Côte d'Ivoire	The Law on Marriage states that a spouse may not, without the consent of the other spouse, dispose of the rights by which the secured home for of the family is guaranteed. It also provides that common property other than the earnings and income of the spouses are administered by either spouse. Under the law, both spouses must agree for certain transactions such as to contract a loan or guarantee the debt of a third party.
Honduras	The Family Code provides that property acquired by either spouse during the marriage becomes common property and will be divided in half in case of dissolution of the marriage bond.
Madagascar	The Law on Marriage and Matrimonial Regimes establishes that spouses jointly administer property. Further, each of the spouses may not, without the consent of the other, (1) dispose of common property, whether movable or immovable, free of charge; (2) alienate or encumber a real estate or business or community-owned operation with real rights; or (3) alienate non-negotiable company shares and movable assets whose alienation is subject to publicity, where the property is under community.
Netherlands	The Civil Code Book 1 stipulates that a spouse is authorized to administer his/her own property, and also the community property without prejudice to the powers of enjoyment and usage accruing to the other spouse in accordance with the marital relationship.
Ukraine	The Family Code states that the wife and the husband have equal rights to own, use and dispose of property belonging to them on the right of joint ownership, unless otherwise established by agreement between them. As for personal private property, the spouse who owns the property determines the mode of possession and use, taking into account the interests of the family.



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