

Annex C. SIGI 2023 Legal Survey

Legal experts and lawyers completed the SIGI 2023 Legal Survey between March 2022 and February 2023, with a cut-off date for legal information on 30 August 2022. The Gender team of the OECD Development Centre performed data quality checks before sharing the responses with governments to validate the collected data.

For the fifth edition of the SIGI, the legal survey was revised and shortened following a consultation process with experts who participated in the fourth edition of the SIGI in 2019. In total, the SIGI 2023 Legal Survey consists of 173 questions, among which 114 are used to calculate the SIGI (questions not used to compute the SIGI are highlighted in grey in Table A C.1).

Table A C.1. Questionnaire of the SIGI 2023 Legal Survey

Discrimination in the family
Child marriage
Does the law provide women with the same rights as men to enter into marriage?
Are there legal provisions that prohibit forced marriage?
What is the legal age of marriage for men and women?
Are there legal exceptions to the legal age of marriage that allow women and men under the legal age of marriage to marry with the consent of:
a. Parent and/or legal guardian?
b. Judge or court?
c. Other? (specify)
d. No legal exceptions
Regarding women's rights to enter into marriage, does the law apply to all groups of women?
Does the legal age of marriage apply to all groups of women?
Is it illegal to facilitate the marriage of an individual who is under the minimum age of marriage?
Are there legal sanctions/penalties for facilitating the marriage of an individual who is under the minimum age of marriage?
Are there informal laws (customary, traditional or religious laws/rules) that allow or encourage the early marriage of girls?
Household responsibilities
Does the law provide women with the same rights as men to be "head of household" or "head of family"?
Does the law require a married woman to obey her husband?
Does the law include legal consequences if a wife disobeys her husband?
Does the law provide women with the same rights as men to be the legal guardians of their children during marriage?
Does the law provide women with the same rights as men to be legal guardians of their children in informal unions?
Does the law provide married women with the same rights as married men to choose where to live?
Does the law provide unmarried women with the same rights as unmarried men to choose where to live?
Regarding women's legal rights to be recognised as head of household or head of family, does the law apply to all groups of women?
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to being recognised as the head of household?
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to being the legal guardians of their children?
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to the choice of where to live?

Divorce
Do women and men have the same rights to initiate/file for a divorce?
Can women and men finalise a divorce or annulment with the same requirements?
Do women and men have the same rights to child custody following a divorce?
Regarding divorce, does the law apply to all groups of women?
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to initiating divorce?
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between men and women when it comes to being the legal guardians of their children after divorce?
Inheritance
Do daughters and sons have the same rights to inherit?
Do female and male surviving spouses have the same rights to inherit?
Regarding inheritance rights of daughters, does the law apply to all groups of women?
Regarding inheritance rights of female surviving spouses, does the law apply to all groups of women?
Does the law prohibit the disinheritance of the surviving spouse?
Is "property dispossession/grabbing" criminalised?
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between sons and daughters when it comes to inheritance?
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between male and female surviving spouses when it comes to inheritance?
Restricted physical integrity
Violence against women: General
Is there a law specifically addressing violence against women?
Are there specific provisions in the law for investigation, prosecution and punishment of the perpetrator?
Are there specific provisions in the law for protection and support services for victims/survivors?
Are there specific provisions in the law for protection and support services for victims/survivors?
Does the law include reduced penalties in case of so-called "honour crimes"?
Is there a national action plan or policy to support the implementation of the legislation addressing violence against women?
What are the start date and end date of the national action plan or policy in question?
Is there a national mechanism with the mandate to monitor and review the implementation of the national action plan or policy?
Does the law, policy or action plan include any budgetary commitments?
Does the law, policy or national action plan mandate specialised training and capacity building for professionals who may deal with sexual violence specifically?
Does the law, policy or national action plan outline responsibilities for the state to provide medical support to victims/survivors of violence against women?
Does the law, policy or national action plan provide for legal assistance to victims/survivors of violence against women?
Violence against women: Domestic violence
Is domestic violence a criminal offence?
Does domestic violence legislation cover the following types of violence: <ul style="list-style-type: none"> a. Physical abuse b. Sexual abuse c. Psychological abuse d. Economic abuse e. The legislation does not cover any of these abuses
Does the law forbid mediation and/or conciliation in cases of domestic violence?
Is there a law, policy or national action plan that sets forth as a priority the integration/co-ordination of services and mechanisms for survivors of violence against women?
Is it a law, policy or national action plan? <ul style="list-style-type: none"> a. Law b. Policy

c. National action plan
d. Other (specify)
Does the law, policy or national action plan provide for guidelines/protocols/trainings to sensitise police and/or professionals in the justice sector to violence against women?
Does the law, policy or national action plan provide for guidelines/protocols/training to sensitise professionals in the health sector to violence against women?
Are there any exceptions included in informal laws (traditional, religious, and/or customary rules/laws) that reduce penalties for domestic violence?
Violence against women: Rape
Is rape a criminal offence?
Is the legal definition of rape based on lack of consent?
If the legal definition of rape is based on lack of consent, does this require proof of physical force?
If the legal definition of rape is based on lack of consent, does this require proof of penetration?
Does the legal definition of rape include marital rape?
Does the law permit the reduction or removal of legal punishment if the perpetrator marries the victim?
Violence against women: Sexual harassment
Does the law prohibit sexual harassment?
Does the law on sexual harassment include civil remedies?
Does the law on sexual harassment include criminal penalties?
Do legal protections from sexual harassment apply in the following places?
a. The workplace
b. Educational establishments
c. Public places
d. Online / on the internet
e. None of these places
Violence against women: Other violence
Is there a law addressing femicide?
Is there a law addressing political violence against women?
Is there legislation or are there measures in place to protect women from violence in political and public life?
Female Genital Mutilation (FGM)
Does the law prohibit female genital mutilation (FGM)?
Does the law include criminal penalties for:
a. medical practitioners
b. parents
c. other practitioners of FGM
d. no criminal penalties
Are there informal laws (customary, traditional or religious laws/rules) that allow/encourage FGM?
Does the law take precedence over informal laws (customary, traditional or religious laws) that allow, condone or prescribe FGM?
Is there a national action plan to address FGM?
Reproductive autonomy
Is abortion illegal?
Is abortion criminalised?
Is abortion legally permitted in cases where:
a. it is essential to save the woman's life?
b. it is essential to preserve the physical health of the woman?
c. it is essential to preserve the mental health of the woman?
d. pregnancy is the result of rape or statutory rape?
e. pregnancy is the result of incest?
f. social and economic reasons do not allow the mother to sustain a pregnancy?
g. foetal impairment?
h. none of these cases
Does a woman require the approval of a medical practitioner to seek a legal abortion?

Does the law require the approval of the father of the foetus to seek a legal abortion?
Is there any national plan or policy that provide universal access to family planning services?
Is there any law or national policy that provide free or subsidised access to contraception?
Does the national school curricula include mandatory and comprehensive sexuality education?
Restricted access to productive and financial resources
Access to assets (land and non-land)
Regarding land, does the law provide married women with the same rights as married men to own land?
Regarding land, does the law provide married women with the same rights as married men to use land?
Regarding property and other non-land assets, does the law provide married women with the same rights as married men to own these assets?
Regarding property and other non-land assets, does the law provide married women with the same rights as married men to use these assets?
Regarding land, does the law provide unmarried women with the same rights as unmarried men to own land?
Regarding land, does the law provide unmarried women with the same rights as unmarried men to use land?
Regarding property and other non-land assets, does the law provide unmarried women with the same rights as unmarried men to own these assets?
Regarding property and other non-land assets, does the law provide unmarried women with the same rights as unmarried men to use these assets?
Regarding land, does the law apply to all groups of women?
Regarding property and other non-land assets, does the law apply to all groups of women?
Does the law provide for joint land titling for land used or acquired by married couples?
Does the law provide for joint land titling for land used or acquired by informal unions?
Is there a national action plan promoting women's equal access to land assets and/or property?
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to the ownership or use of land assets?
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to the ownership or use of non-land assets?
Financial services
Does the law provide women with the same rights as men to open a bank account at a formal financial institution?
Does the law require married women to obtain the signature and authority of their husband to open a bank account at a formal financial institution?
Does the law provide women with the same rights as men to obtain credit?
Regarding access to formal financial services, does the law apply to all groups of women (regardless of race, ethnicity caste, etc.)?
Are there informal laws (customary, religious, or traditional laws/rules) that create different rights or abilities between men and women when it comes to opening a bank account?
Are there informal laws (customary, religious, or traditional laws/rules) that create different rights or abilities between men and women when it comes to obtaining credit?
Workplace rights
Does the law prohibit discrimination in employment on the basis of sex?
If yes, does it specifically cover:
a. Hiring
b. Promotions
c. Termination
d. None of these cases
Are there penalties for companies or institutions that discriminate against women in recruitment and promotion?
Does the law mandate equal remuneration for work of equal value?
Does the law or regulation require companies to report on how they pay women and men?
Does the law prohibit women from entering certain professions?
Does the law allow women to work the same night hours as men?
Does the law mandate paid maternity leave?
What is the length of paid maternity leave?

Please provide the legal reference for laws governing the payment of maternity leave.
Does the law mandate paid paternity leave?
What is the length of paid paternity leave?
Please provide the legal reference for laws governing the payment of paternity leave.
Does the law mandate paid parental leave?
What is the length of paid parental leave?
Please provide the legal reference for laws governing the payment of parental leave.
Does the law prohibit employers from asking about a woman's pregnancy or her intention to have children during the recruitment or promotion process?
Does the law protect women's employment security when they are on maternity leave?
Does the law require women to have permission from their husband or legal guardian to take a paid job?
Does the law require women to have permission from their husband or legal guardian to register a business?
Regarding women's legal right to take a paid job or work and/or register a business, does the law apply to all groups of women (regardless of race, ethnicity caste, etc.)?
Are there informal laws (customary, religious, or traditional laws/rules) that create different rights or abilities between men and women when it comes to entering certain professions?
Are there informal laws (customary, religious, or traditional laws/rules) that require women to have the permission from their husband or legal guardian to take a paid job?
Are there informal laws (customary, religious, or traditional laws/rules) that require women to have the permission from their husband or legal guardian to register a business?
Restricted civil liberties
<i>Citizenship rights</i>
Does the law provide married women with the same rights as married men to acquire nationality?
Does the law provide unmarried women with the same rights as unmarried men to acquire nationality?
Does the law provide married women with the same rights as married men to change their nationality?
Does the law provide unmarried women with the same rights as unmarried men to change their nationality?
Does the law provide married women with the same rights as married men to retain their nationality?
Does the law provide unmarried women with the same rights as unmarried men to retain their nationality?
Does the law provide married women with the same rights as married men to confer nationality to their spouse?
Does the law provide married women with the same rights as married men to confer nationality to their children?
Does the law provide unmarried women with the same rights as unmarried men to confer nationality to their children?
Regarding women's nationality rights, does the law apply to all groups of women (regardless of race, caste, ethnicity, etc.)?
Are there informal laws (customary, traditional, or religious laws) that create different rights or abilities between men and women when it comes to acquiring, changing, or retaining their nationality?
Are there informal laws (customary, traditional, or religious laws) that create different rights or abilities between men and women when it comes to conferring nationality to their spouse and/or children?
<i>Freedom of movement</i>
Does the government provide national identity cards?
Can a married woman apply for a national identity card in the same way as a married man? (in terms of rights and procedures)
Can an unmarried woman apply for a national identity card in the same way as an unmarried man? (in terms of rights and procedures)
Can a married woman apply for a passport in the same way as a married man (in terms of rights and procedures)?
Can an unmarried woman apply for a passport in the same way as an unmarried man (in terms of rights and procedures)?
Regarding identity cards and/or passports, does the law apply to all groups of women (regardless of race, caste, ethnicity, etc.)?
Does the law provide married women with the same rights as married men to travel outside the country?
Does the law provide unmarried women with the same rights as unmarried men to travel outside the country?
Does the law provide married women with the same rights as married men to travel outside their homes?
Does the law provide unmarried women with the same rights as unmarried men to travel outside their homes?
Are there informal laws (customary, religious, or traditional laws/rules) that create different rights or abilities between men and women when it comes to applying for identity cards or passports?

Political voice

Does the law provide women with the same rights as men to vote?

Does the law provide women with the same rights as men to hold public and political office in the legislative branch?

Does the law provide women with the same rights as men to hold public and political office in the executive branch?

Does the law provide women with the same rights as men to hold public office in the judiciary branch?

Do constitutional/legislated gender quotas exist to promote women's political representation at the national level?

Do constitutional/legislated gender quotas exist to promote women's political representation at the local level? Please specify the local level.

Does the law provide for special measures other than quotas to promote women's political representation at the national level?

Does the law provide for special measures other than quotas to promote women's political representation at the local level? Please specify the local level

Does the law provide for sanctions for failure to implement gender quotas?

Is there a national action plan promoting equality between women and men in political and public life?

Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to voting?

Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to holding public office?

Access to justice

Does the law provide women with the same rights as men to sue?

Does a woman's testimony carry the same evidentiary weight as a man's in the following courts?

- a. Civil courts
- b. Criminal courts
- c. Family courts
- d. Tribunals
- e. None of the above

Does the country have parallel plural legal systems?

Does a woman's testimony carry the same evidentiary weight as a man's in all justice systems?

Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes suing someone?

Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to providing testimony in court?

Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to being judges, advocates or other court officers?

Note: Questions highlighted in grey were not used to build the SIGI legal variables.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi>.



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