

Indicator name
Extent to which legislation is revised to remove gender-discriminatory clauses on family, divorce, custody of children, inheritance, employment, pay, social security, ownership of assets, land, etc.
GAP III Thematic area of engagement
Promoting equal participation and leadership
Aggregable indicator
No
Indicator type (quantitative/qualitative)
Qualitative
Related objective in the Gender Action Plan III
Overall thematic objective: Women, men, girls and boys, in all their diversity, participate equally in decision-making processes, in all spheres and at all levels of political and public life, including online, to take on leadership roles, to enjoy and exercise their human rights and seek redress if these rights are denied. Specific thematic objective 2: Women and girls, in all their diversity, have improved access to justice to safeguard their civil and political rights.
Technical Definition
This indicator intends to measure if the different impact of legislation (i.e., on family, divorce, custody of children, inheritance, employment, pay, social security, ownership of assets, land, etc.) on women and men has been assessed and to what extent gender-discriminatory clauses have been removed. The following definitions apply: - <u>Gender-discriminatory clauses</u> refer to any legal distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field.¹ - <u>Legislation</u> refers to a law or a set of laws that have been passed by Parliament.² Therefore, for the purpose of this indicator, even if gender discrimination can stem from both law (de jure) or from practice (de facto), this indicator refers only to legislation.³
Rationale
The process of assessing the impact on women and men of any legislation in all areas and revoking discriminatory clauses is a core strategy for accelerating progress on gender equality. Regarding the areas covered under this indicator, the following actions, but not limited to, may

¹Adapted from Article 1, [UN Convention on the Elimination of all forms of Discrimination Against Women](#) (1979).

² [UK Parliament Glossary](#)

³ In addition, indirect discrimination can occur when a law does not appear to be discriminatory, but has a discriminatory effect in its implementation (i.e. when women are disadvantaged compared to men with respect to the enjoyment of a particular opportunity or benefit due to pre-existing inequalities). In this case, applying a gender-neutral law may leave the existing inequality in place, or exacerbate it.

be taken by governments to remove legislative gender-discriminatory clauses:

Family law:⁴

- Confer women's nationality to their children and/or foreign spouses on equal basis with men.
- Ensure equal access to the marital property and equal legal capacity to manage it.
- Obtain a divorce in the same way or on the same legal grounds as men.
- Ensure provisions relating to fault-based divorce in order to provide compensation for the contributions made by the wife to family economic well-being during the marriage.
- Eliminate different standards of fault for wives than for husbands, such as requiring proof of greater infidelity by a husband than by a wife as a basis for divorce.
- Prohibit disinheritance of the surviving spouse and criminalisation of "property dispossession/grabbing".
- Avoid that customary succession to use rights or title to land could be conditional on forced marriage to a deceased spouse's brother (levirate marriage) or any other person, or on the existence or absence of minor children of the marriage.
- Eliminate the imposition of patriarchal provisions, whether or not they are based on religious or customary law, that deem fathers the sole guardians or custodians of their children or that deny mothers custody on gender-biased grounds such as, for example, remarriage or 'non-conventional gender behaviour'.⁵

Employment:⁶

- Ensure prohibitions on discrimination in the recruitment, retention and promotion of women, and gender-responsive labour market policies.
- Address the gender pay gap.
- Boost the representation women in non-traditional areas of employment (i.e., STEM) and reduce gender-based vertical and horizontal labour market segregation.
- Address sexual harassment in the workplace.

Social security:

- Include the unpaid and undervalued work undertaken by women, and redistribute care responsibilities.
- Reduce social protection schemes' exclusions and stigmatisation (including migrant women).
- Close the social protection coverage gaps (i.e., access to health care and income security throughout the life course, maternity-related health risks, etc).

Ownership of assets and land:⁷

- Abolish the notion of marital power.
- Abolish the concept of "head of household" in legal designations and entitlements.
- Ensure that single female heads of households are able to enjoy special measures which enable them to access land rights on an equal footing.

Data source and calculation

Reporting covers cooperation and development initiatives, humanitarian (if applicable) and investment frameworks funded by the EC (INTPA, NEAR, FPI, ECHO) and EEAS.

⁴ Personal status and family law are often privileged over civil law in plural legal systems, where codified law, religious legal systems and indigenous or customary legal codes coexist.

⁵ [Gender Equality and women's rights in the context of child custody and child maintenance](#) (UN WOMEN, 2019)

⁶ [Empowering women at work](#) (ILO/UNWOMEN, 2020)

⁷ [Realizing women's rights to land and other productive resources](#) (UN WOMEN/ OHCHR, 2013),

EUMS may provide information related to their interventions through their contributions to GAP III reports or through the EUDs, e.g., in cases of joint dialogue (i.e., as part of joint programming or TEI).

Data sources:

Mapping and assessment of legal frameworks using primary sources/official government documents, in particular laws, policies/action plans.

The intervention's monitoring and reporting systems, e.g., inception, interim and final reports from implementing organisations (including governments, international organisations, national and international civil society organisations, etc.), ROM reviews and evaluations.

Surveys/interviews conducted and budgeted by the intervention can also be relevant data sources.

Baseline and endline studies conducted and budgeted within the EU intervention using the same data collection methodology. The baseline and endline studies can be conducted as part of the gender country profile and/ or gender sector analysis, or be based on existing official reports and published data.

Calculation:

Number of laws that have been revised in order to:

- Eliminate gender-discriminatory legislative clauses across all sectors.
- Ensure that current legislation contributes to promoting gender equality and women's rights.

Any of the revised and assessed laws is counted once.

Worked Example

During the period of intervention, in country A, the family legislation was reviewed and gender-discriminatory clauses were found in an inheritance act. After the assessment, this act was amended by removing a specific discriminatory clause on disinheritance of the surviving spouse and including clauses on the criminalisation of property dispossession/grabbing.

Legislation on social protection was also assessed but discriminatory clauses on migrant women's access to social protection have not yet been removed.

Therefore, only the revision of the inheritance act will be reported.

Baseline

Data from official counterparts (i.e., line ministries and government institutions, national women's machinery, gender observatories, etc.).

Data from civic society and international organisations and from other independent non-state actors.

If baseline data are lacking, a mapping can be done at the start of the intervention using surveys/ interviews.

The baseline can be 0 when the indicator is achieved with the EU funded intervention.

Disaggregation

N/A

Availability and Timeliness

Information should become available annually, depending on the duration of the action.

Related DAC Code/CRS

151 - Government & Civil Society-general / 15130 - Legal and judicial development / 15170 –

Women's rights organisations and movements, and government institutions
Associated SDGs
SDG 5. Achieve gender equality and empower all women and girls. Target 5.1: Indicator 5.1.1 (see Metadata) Target 5.a: Indicator 5.a.1 (see Metadata) and indicator 5.a.2 (see Metadata) Target 5.c: Indicator 5.c.1 (see Metadata) SDG 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels Target 16.b: Indicator 16.b.1 (see Metadata)
Other issues
The gender country profile and/ or gender sector analysis can be relevant sources of information for establishing baselines. If there is no gender analysis available at the EUD, it is recommended to look at the analysis undertaken by EU Member States or other trusted partners (UN, World Bank, human rights national and regional mechanisms, etc.) as well as the national-level reviews carried out in 2019 by UN Women and the partner countries to assess progress made and challenges encountered in the implementation of the Beijing Declaration and Platform for Action. Special attention should be paid to following up on partner country institutions reached with EU support.