



Data Notes

Women, Business and the Law highlights legal gender differences worldwide. Specifically, the report examines laws and regulations that affect women's ability to be entrepreneurs and employees. Legislation can affect women's economic potential directly and indirectly. Thus, the indicators covered in the report capture both laws that directly differentiate between men and women and laws that indirectly have a greater impact on women's ability to earn an income, start a business or get a job. The *Women, Business and the Law* project worked with contributors in each of the economies covered to determine the sources of gender differentiation in the law. Data from the surveys were checked for accuracy by referencing primary legal sources to revise or expand the information collected. The data was collected over a two-year period that ended in April 2015.

With regard to women's rights, different economies reflect different cultural norms and values in their legislation. Though there has been progress toward gender parity, restrictions that limit women's prospects as entrepreneurs and employees remain. This report provides objective, easily comparable data to inform dialogue and research about women's economic rights and opportunities.

Covering 173 economies, *Women, Business and the Law* provides comparable data on the following seven areas:

- **Accessing institutions** explores women's legal ability to interact with public authorities and the private sector in the same ways as men.
- **Using property** analyzes women's ability to access and use property based on their ability to own, manage, control and inherit it.
- **Getting a job** assesses restrictions on women's ability to work, such as prohibitions on working at night or in certain occupations. This indicator also covers laws on work-related maternity, paternity and parental benefits, retirement age, equal remuneration for work of equal value and nondiscrimination in hiring.
- **Providing incentives to work** examines personal income tax credits and deductions available to women relative to men and the provision of childcare and education services.

- **Building credit** identifies the minimum loan thresholds of private credit bureaus and public credit registries and tracks bureaus and registries that collect information from microfinance institutions, utilities and retailers.
- **Going to court** considers the ease and affordability of accessing justice by examining small claims courts, women's ability to testify in court and the incidence of women judges on constitutional courts.
- **Protecting women from violence** examines the existence of legislation on domestic violence, sexual harassment, marital rape, age of marriage and protection orders.

Since the publication of *Women, Business and the Law 2014* there have been methodological changes in the seven indicators, both in the number of questions covered and in the way the previously existing questions were analyzed. The principal methodological changes are summarized at the end of this chapter and new questions are footnoted throughout the text.

Economy coverage and characteristics

The economies covered in this report are listed in table 4.1.

This report is global in scope. It builds on the experience of the *Doing Business* project in developing objective indicators of impediments to entrepreneurship and employment by applying specific analysis to conditions for women. *Doing Business* analyzes regulations in 189 economies that apply to a business throughout its life cycle, including start-up and operations, trading across borders, paying taxes and resolving insolvency. As in the *Doing Business* project, *Women, Business and the Law* uses formal laws as a starting point for analysis.

The report's indicators were constructed using responses from expert country practitioners in family, labor and criminal law: including lawyers, judges, academics and members of civil society organizations working on gender issues. The data were collected through several rounds of interaction with these respondents, including standardized questionnaires, conference calls, written correspondence and visits by the team.

Besides filling out written questionnaires, *Women, Business and the Law* respondents provide references to the relevant

TABLE 4.1 ECONOMIES COVERED BY *WOMEN, BUSINESS AND THE LAW 2016*

Region	Number of economies	Economies by region
East Asia & Pacific	18	Brunei Darussalam; Cambodia; China; Fiji; Hong Kong SAR, China; Indonesia; Lao PDR; Malaysia; Mongolia; Myanmar; Papua New Guinea; Philippines; Singapore; Taiwan, China; Thailand; Timor-Leste; Tonga; Vietnam
Europe & Central Asia	23	Albania; Armenia; Azerbaijan; Belarus; Bosnia and Herzegovina; Bulgaria; Croatia; Georgia; Kazakhstan; Kosovo; Kyrgyz Republic; Latvia; Lithuania; Macedonia, FYR; Moldova; Montenegro; Romania; Russian Federation; Serbia; Tajikistan; Turkey; Ukraine; Uzbekistan
OECD high income	32	Australia; Austria; Belgium; Canada; Chile; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Iceland; Ireland; Israel; Italy; Japan; Korea, Rep.; Luxembourg; Netherlands; New Zealand; Norway; Poland; Portugal; Slovak Republic; Slovenia; Spain; Sweden; Switzerland; United Kingdom; United States
Latin America & Caribbean	32	Antigua and Barbuda; Argentina; Bahamas, The; Barbados; Belize; Bolivia; Brazil; Colombia; Costa Rica; Dominica; Dominican Republic; Ecuador; El Salvador; Grenada; Guatemala; Guyana; Haiti; Honduras; Jamaica; Mexico; Nicaragua; Panama; Paraguay; Peru; Puerto Rico (U.S.); St. Kitts and Nevis; St. Lucia; St. Vincent and the Grenadines; Suriname; Trinidad and Tobago; Uruguay; Venezuela, RB
Middle East & North Africa	19	Algeria; Bahrain; Djibouti; Egypt, Arab Rep.; Iran, Islamic Rep.; Iraq; Jordan; Kuwait; Lebanon; Malta; Morocco; Oman; Qatar; Saudi Arabia; Syrian Arab Republic; Tunisia; United Arab Emirates; West Bank and Gaza; Yemen, Rep.
South Asia	8	Afghanistan; Bangladesh; Bhutan; India; Maldives; Nepal; Pakistan; Sri Lanka
Sub-Saharan Africa	41	Angola; Benin; Botswana; Burkina Faso; Burundi; Cameroon; Chad; Congo, Dem. Rep.; Congo, Rep.; Côte d'Ivoire; Equatorial Guinea; Ethiopia; Gabon; Ghana; Guinea; Kenya; Lesotho; Liberia; Madagascar; Malawi; Mali; Mauritania; Mauritius; Mozambique; Namibia; Niger; Nigeria; Rwanda; São Tomé and Príncipe; Seychelles; Sierra Leone; Senegal; South Africa; South Sudan; Sudan; Swaziland; Tanzania; Togo; Uganda; Zambia; Zimbabwe

laws and regulations. The *Women, Business and the Law* team collects the texts of relevant laws and regulations and checks questionnaire responses for accuracy. Questionnaire responses are verified against codified sources of national law, including constitutions, marriage and family codes, labor laws, passport procedures, citizenship rules, inheritance statutes, tax regulations, land laws, gender equality laws, civil procedure rules, electoral laws, social security codes, criminal laws and laws on violence against women. *Doing Business 2016* surveys were also used to develop some of the questions in the building credit indicator.

Women, Business and the Law requires each legal data point to have a citable legal source, and to ensure transparency of the data the source is provided for every data point on the project website (wbl.worldbank.org). The website also provides more detailed data on each economy, with links to the legal sources used.

The report team welcomes feedback on the methodology and construction of the indicators with the hope of improving both its coverage and scope. Feedback on all aspects of the report can be offered through the project website.

The *Women, Business and the Law* methodology has several useful characteristics:

- It is transparent and uses factual information derived directly from laws and regulations.
- Because the assumptions used when collecting the data are standardized, comparisons are valid across economies.
- The data identify both potential obstacles to women in business and legislative sources that can be changed as a result of the new information.

While *Women, Business and the Law* focuses on written laws, there is often a large gap between law on the books and actual practice. Thus, women do not always have access to the equality they are legally entitled to. What this project attempts to do, however, is to identify areas where there is still formal legal differentiation and clarify how these legal differences affect women.

The following 142 questions were asked about the seven main topics for 173 economies, producing a total of 24,566 data points. Each question is followed by information on how the answers were standardized and made comparable across all economies. Any assumptions are also listed.

ECONOMY CHARACTERISTICS

Gross national income per capita

Women, Business and the Law 2016 reports 2014 income per capita as published in the World Bank's World Development Indicators 2015. For cost indicators expressed as a percentage of income per capita, 2014 gross national income (GNI) Atlas method in current U.S. dollars is used as a denominator. GNI data based on the Atlas method were not available for Austria; Bahrain; Barbados; Belize; Brunei Darussalam; Czech Republic; Djibouti; Finland; the Islamic Republic of Iran; Jamaica; Kuwait; Luxembourg; Malta; New Zealand; Oman; Papua New Guinea; Puerto Rico (U.S.); Saudi Arabia; Slovak Republic; Slovenia; Spain; Suriname; Switzerland; the Syrian Arab Republic; Taiwan, China; Trinidad and Tobago; Tunisia; West Bank and Gaza; and the Republic of Yemen. In these cases GDP or GNP per capita data and growth rates from other sources, such as the International Monetary Fund's World Economic Outlook database and the Economist Intelligence Unit were used.

Region and income group

Women, Business and the Law uses the World Bank regional and income group classifications, available at <http://data.worldbank.org/about/country-and-lending-groups>. Regional averages presented in figures and tables in the *Women, Business and the Law* report include economies from all income groups (low, lower middle, upper middle and high income), though high income OECD economies are assigned the "regional" classification OECD high income.

Female population and labor force participation rate

Women, Business and the Law 2016 reports midyear 2014 female population data as published in the World Bank's World Development Indicators 2015. That publication was also used to obtain data on the female labor force participation rate, as percentage of the female population age 15–64.

Protecting women from violence

The indicator on protecting women from violence examines the existence and scope of laws covering domestic violence, sexual harassment, marital rape, age of marriage and protection orders.

Assumptions

It is assumed that the woman

- Resides in the main business city of the economy being examined.
- Has reached the legal age of majority and is capable of making decisions as an adult. If there is no legal age of majority, the woman is assumed to be 30 years old.
- Is sane, competent, in good health, has no criminal record and is a lawful citizen of the economy where she resides.

The answers to the questions below are based on statutory or codified law for civil law systems, and on case law, which for common law systems is law established by judicial decisions in cases that set binding precedents. Customary law is not taken into account unless it has been codified or upheld by case law. The answers are based solely on the letter of the law and not on how the law is applied in practice.

Domestic violence

This subtopic covers the existence and scope of laws on domestic violence. Domestic violence is gender-specific, commonly directed against women, and occurring within the family and in intimate relationships. Intimate relationships may be with either spouses or unmarried intimate partners. The violence can take the form of physical, sexual, emotional or financial abuse. There are 14 questions for this subtopic:

72. Is there domestic violence legislation?

- The answer is “Yes” if
 - there is legislation addressing domestic violence: violence between spouses, within the family or members of the same household, or in interpersonal relationships, including intimate partner violence that is subject to criminal sanctions or provides for protection orders for domestic violence, or
 - the legislation addresses “cruel, inhuman or degrading treatment” or “harassment” that clearly affects physical or mental health, and it is implied that such behavior is considered domestic violence.
- The answer is “No” if
 - there is no legislation addressing domestic violence, or what does so refers to or prohibits

domestic violence but does not provide for sanctions or orders of protection, or

- the provision enables a woman to obtain a protection order only if the husband has been convicted of the offense or the wife has ceased to reside in the common home, or
- the provision protects only a specific category of women (e.g., pregnant) or defines the offense in terms of specific motives (e.g., violence against a person in connection with performing a professional or civil duty), or
- there is only a provision that heightens penalties for general crimes covered in the criminal code if committed between spouses or within the family.

73. If there is no legislation specifically protecting against domestic violence, are there aggravating penalties¹⁰ for crimes against a spouse or family member?¹¹

- The answer is “Yes” if penalties are increased for offenses committed by a spouse, family member or intimate partner but there is no other provision on domestic violence.

74. Are there clear criminal penalties for domestic violence?¹²

- The answer is “Yes” if
 - the law addressing domestic violence clearly establishes criminal penalties for domestic violence offenses, or
 - the domestic violence law does not prescribe criminal sanctions but states that domestic violence offenses will be sanctioned in accordance with the criminal code, or
 - domestic violence is addressed in the criminal code, which criminalizes violence by or against a spouse, a family member or an intimate partner, or
 - the criminal code provides for aggravated penalties if an offense is committed by or against a spouse, a family member or an intimate partner.
- The answer is “No” if
 - the domestic violence law does not provide for criminal sanctions or the provision on sanctions does not protect individuals from violence by or against a spouse, a family member or an intimate partner, or
 - the provision addressing domestic violence prohibits only the conduct or establishes only noncriminal penalties or penalties for violating a protection order.

75a. Does domestic violence legislation cover physical violence?

- The answer is “Yes” if
 - the term “physical” violence or abuse is clearly defined or stated in the law or provision as a form of domestic violence, or
 - the language in the provision can clearly be interpreted as treating physical violence or abuse as a form of domestic violence, including cruel or inhuman treatment, or harassment if stated as affecting physical health.
- The answer is “No” if the domestic violence law does not use the term “physical” violence or abuse or other language that can clearly be interpreted as physical violence or abuse.

75b. Does domestic violence legislation cover sexual violence?

- The answer is “Yes” if
 - the term “sexual” violence or abuse is clearly defined or stated in the law or provision as a form of domestic violence, or
 - language in the provision can clearly be interpreted as treating sexual violence or abuse as a form of domestic violence, including rape between spouses.
- The answer is “No” if
 - the domestic violence law does not contain the term “sexual” violence or abuse or other language that can clearly be interpreted as referring to sexual violence or abuse, or
 - the provision on sexual abuse is not classified as occurring within the context of domestic violence, or if legislation on sexual abuse covers only female genital mutilation or rape.

75c. Does domestic violence legislation cover emotional violence?

- The answer is “Yes” if
 - the term “psychological” or “emotional” violence or abuse is clearly defined or stated in the law as a form of domestic violence, or
 - the law contains language that can clearly be interpreted as psychological or emotional violence or abuse being a form of domestic violence, such as outrages upon personal dignity, humiliating and degrading treatment and harassment, if affecting mental health, and harm, if interpreted as emotional harm.

- The answer is “No” if the domestic violence law does not contain the term “psychological” or “emotional” violence or abuse or other language that can clearly be interpreted as psychological or emotional violence or abuse.

75d. Does domestic violence legislation cover economic violence?

- The answer is “Yes” if
 - the term “financial” or “economic” violence or abuse is clearly defined or stated in the law as a form of domestic violence, or
 - the law contains language that can clearly be interpreted as financial or economic violence or abuse, or
 - a provision covers the use of violence that causes or results in consequences affecting the livelihood of the victim.
- The answer is “No” if the domestic violence provision does not use the term “financial” or “economic” violence or abuse, or other language that can clearly be interpreted as financial or economic violence or abuse.

76. Does legislation on domestic violence protect family members?¹³

- The answer is “Yes” if
 - the law addressing domestic violence clearly protects spouses or married couples, or
 - the law clearly protects family members or members of the same household, including cohabiting individuals.
- The answer is “No” if the law addressing domestic violence does not cover married couples, spouses, family members or members of the same household.

77. Does domestic violence legislation protect former spouses?¹⁴

- The answer is “Yes” if it clearly protects former partners or spouses.
- The answer is “No” if it does not clearly protect former partners or spouses.

78. Does domestic violence legislation protect unmarried intimate partners?

- The answer is “Yes” if the legislation clearly protects women in unmarried, intimate relationships, including cohabiting and noncohabiting partners.

- The answer is “No” if the legislation only covers married couples or spouses and does not protect women in unmarried, intimate relationships.
- The answer is also “No” if the legislation covers de facto spouses, defined as persons who have gone through a form of ceremony recognized as a marriage but that has not been registered or is not capable of being registered.

79. Do protection orders for domestic violence exist?¹⁵

- The answer is “Yes” if victims of domestic violence can obtain a protection order in cases of domestic violence.

80. Do protection orders provide for removal of the perpetrator from the home?¹⁶

- The answer is “Yes” if the protection order obtained in cases of domestic violence provides for removal of the perpetrator from the home or ensures the perpetrator does not approach the home.

81. Do protection orders cover prohibition of contact and maintaining distance from the survivor?¹⁷

- The answer is “Yes” if the protection order obtained in cases of domestic violence provides for prohibiting contact with the survivor and/or requiring the perpetrator to maintain a geographic distance from the survivor or contains similar language.

82. Is there a specialized court or procedure for cases of domestic violence?

- The answer is “Yes” if the law
 - establishes a court with exclusive jurisdiction on matters related to domestic violence, or
 - provides revised rules of civil procedure or specially trained judges for matters related to domestic violence in a nonspecialized court, or
 - establishes special procedures for protection or restraining orders for cases of domestic violence.
- The answer is “No” if there are no special courts, procedures or protection or restraining orders for cases of domestic violence.

Sexual harassment

Sexual harassment is any unwelcome sexual advance, request for sexual favor, verbal or physical conduct or gesture of a sexual nature or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation to another.¹⁸ Such harassment may be but is not necessarily of a form that interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. There are nine questions for this subtopic.

83a. Is there legislation that specifically addresses sexual harassment?

- The question is meant to capture whether there is a law or specific provisions on sexual harassment; provisions may be general or apply only to employment.
- The answer is “Yes” if
 - legislation specifically addresses and protects against sexual harassment, including unwelcome sexual advances; requests for sexual favors; verbal or physical conduct or gestures of a sexual nature; annoyance, if understood to include harassment with sexual content; or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation to another, or
 - sexual harassment is considered “discrimination,” and legislation protects against discrimination, or
 - there is a provision protecting against sexual harassment in employment, including provisions on inducing indecent or lewd behavior coupled with financial or official dependence or authority, abuse of position or authority, or language that can be clearly interpreted to mean such dependence or abuse.
- The answer is “No” if
 - the law does not specifically address sexual harassment, or
 - the behavior or gesture of sexual nature is performed using force or violence or the threat of force or violence, which is understood to constitute a crime, e.g., sexual assault or abuse, or
 - the conduct covered in the legislation is not directed at a specific individual, or
 - the legislation allows an employee to terminate employment based on sexual harassment but provides for no other protection (however, a provision allowing the employer to terminate an employee’s contract for committing sexual harassment will be considered), or

- the legislation protects only a specific category of women or those in a specific area or sector of employment, e.g., protection from sexual harassment in political functions, or applies only to government or state-owned enterprises, or
- the legislation accounts only for sexual acts, including intercourse or copulation, as clearly involving contact of or with genital organs, or
- the legislation states only that the employer has a duty to prevent sexual harassment, but there are no provisions to prohibit or provide sanctions for sexual harassment, or
- the legislation addresses harassment in general but makes no reference to acts of a sexual nature or contact.

83b. Are there civil remedies for sexual harassment?¹⁹

- The question covers whether the law provides for civil remedies such as compensation for victims of sexual harassment or recovery of monetary damages.
- The answer is “Yes” if
 - the legislation provides for civil remedies or compensation for victims of sexual harassment, or
 - there is a provision on sexual harassment in the criminal code that provides for reparation of damages for offenses covered by the code.

83c. Are there criminal penalties for sexual harassment?

- The answer is “Yes” if legislation specifies criminal sanctions, such as fines and imprisonment, for sexual harassment.
- The answer is “No” if
 - there are no criminal sanctions for sexual harassment, or
 - the legislation on sexual harassment refers to penalties for more serious offenses in the criminal code, such as sexual assault, or
 - the law prohibits only sexual harassment in employment and sets forth only that the employer should apply discretionary sanctions.

84a. Is there legislation on sexual harassment in employment?

- The question covers provisions on sexual harassment in the workplace or in employment, whether or not sanctions apply.
- The answer is “Yes” if
 - there is legislation that specifically protects against sexual harassment in employment, including

unwelcome sexual advances, requests for sexual favors, verbal or physical conduct or gestures of a sexual nature, annoyance if understood to include harassment with sexual content, or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation to another in connection with employment, including provisions on inducing indecent or lewd behavior coupled with financial or official dependence or authority, abuse of position or authority, or language that can be clearly interpreted to mean such dependence or abuse, or

- sexual harassment is deemed discrimination in employment, and the law protects against discrimination.
- The answer is “No” if
 - there is no legislation specifically addressing sexual harassment in employment, or
 - a behavior or gesture of sexual nature uses force or violence or the threat of force or violence, which is understood to constitute a crime, e.g., sexual assault or abuse, or
 - the conduct covered by legislation is not directed at a specific individual, or
 - the legislation allows an employee to terminate an employment contract based on sexual harassment but provides for no other protection, although a provision allowing the employer to terminate an employee’s contract for committing sexual harassment will be taken into account, or
 - the legislation covers only public or only private sector employees, but not both, or
 - the legislation protects only a specific category of women or only a specific area of employment, e.g., protection from sexual harassment in political functions, or applies only to government or state-owned enterprises, or
 - the legislation refers only to sexual acts, including intercourse or copulation, as clearly involving contact of or with genital organs, or
 - the legislation states only that the employer has a duty to take measures to prevent sexual harassment, but there are no provisions prohibiting or providing sanctions for sexual harassment, or
 - the legislation addresses harassment in general but makes no reference to acts of a sexual nature or contact.

84b. Are there civil remedies for sexual harassment in employment?²⁰

- The question covers whether the law provides for civil remedies for sexual harassment in employment, such as compensation for victims or recovery of monetary damages.
- The answer is “Yes” if
 - the legislation provides for civil remedies or compensation for victims of sexual harassment in employment, or
 - there is a provision on sexual harassment in the workplace in the criminal code that provides for reparation of damages for offenses covered by the code.

84c. Are there criminal penalties for sexual harassment in employment?

- The question covers sanctions such as imprisonment or fines specifically for sexual harassment in the workplace.
- The answer is “Yes” if the legislation specifies criminal sanctions, such as fines and imprisonment, for sexual harassment in employment.
- The answer is “No” if
 - there are no criminal sanctions for sexual harassment in employment, or
 - the law on sexual harassment refers to penalties for more serious offenses in the criminal code, such as for sexual assault, or
 - the law prohibits sexual harassment in employment but states only that the employer should apply discretionary sanctions.

85. Is there legislation on sexual harassment in education?

- The question covers provisions addressing sexual harassment in education, educational facilities, schools or where the offender is in the role of educator, professor or in charge of the education of the victim, whether or not there are sanctions associated with the provision.
- The answer is “Yes” if the legislation specifically covers sexual harassment in education or contains language that can clearly be interpreted as sexual harassment in education.
- The answer is “No” if
 - the legislation does not specifically cover sexual harassment in education, or

- it covers sexual harassment only in public or only in private education, but not in both.

86. Is there legislation on sexual harassment in public places?

- The answer is “Yes” if the legislation specifically covers sexual harassment in public places, including public spaces, in the public life or sphere, or in transportation.
- The answer is “No” if the legislation does not cover sexual harassment in public places, public spaces, in public, in the public life or sphere, or in transportation.

Child and early marriage

87a. What is the legal age of marriage for boys?²¹

- The legal age of marriage for boys is the age at which boys can be married without parental or another authority’s consent.
- The legal age of marriage for boys is also the age before which boys are not allowed to be married, assuming no exceptions are provided for.

87b. What is the legal age of marriage for girls?²²

- The legal age of marriage for girls is the age at which girls can be married without parental or another authority’s consent.
- The legal age of marriage for girls is also the age before which girls are not allowed to be married, assuming no exceptions are provided for.

88. Are there any exceptions to the legal age of marriage?²³

- The answer is “Yes” if girls or boys may get married before the specified legal age of marriage with the consent of, e.g., a parent, guardian, the judge, the court, or any other authority.

89. Does the law prohibit or invalidate child or early marriage?²⁴

- The answer is “Yes” if there are provisions that prevent the marriage of girls, boys, or both before they reach the legal age for marriage or the age of marriage with consent, including, for example, a prohibition on registering the marriage or provisions stating that such a marriage is null and void.
- The answer is “No” if
 - there are no provisions invalidating the marriage or prohibiting the registration under a minimum age, or
 - the marriage is invalid based on lack of consent of the parent or guardian when the law does not set a minimum age.

90. Are there penalties in the law for authorizing or knowingly entering into child or early marriage?²⁵

- The answer is “Yes” if there are enforcement measures or sanctions in the law against anyone who allows, registers or celebrates the marriage of girls or boys violating the legal age requirements, including for any party to the marriage who is over the legal age of marriage and knowingly marries someone not of legal age.

Marital rape

91. Does legislation explicitly criminalize marital rape?²⁶

- The answer is “Yes” if
 - there is legislation that explicitly criminalizes the act of marital rape by providing that rape or sexual assault provisions apply “irrespective of the nature of the relationship” between the perpetrator and complainant or by stating that “no marriage or other relationship shall constitute a defense to a charge of rape or sexual assault under the legislation,” or
 - there is legislation that explicitly criminalizes the act of rape between (i) persons in marital relationships; (ii) relatives, when the law explicitly considers spouses relatives (but not for relatives in general); or (iii) persons in situations of abuse or dependency of family position (but not of dependency in general), when the law clearly includes spouses within the definition of family; or when legislation that explicitly criminalizes the act of rape states that the spouse is a potential offender or is not exempt from charges, or
 - marital relationships are an aggravating factor for the crimes of rape and sexual assault that includes elements of rape, or if the law sets out conditions in which the penalty for marital rape or rape by the husband is mitigated so that the criminalization of marital rape can be inferred.
- The answer is “No” if
 - there are no criminal sanctions for the offense (i.e., the law only “prohibits” the act, provides for the application of protection orders, or “allows a judge to order a husband not to rape his wife”), or
 - the provision on marital rape applies only if the spouses are separated or in the process of getting separated, or
 - the provision covers only relationships of dependency in general, or financial or official dependence, or

- the provision on rape applies only in certain circumstances, such as sickness, or
- the provision applies only to family members, and spouses are not clearly included in the definition of family.

92. If there is no specific provision that explicitly criminalizes marital rape, can a woman otherwise file a criminal complaint against her husband for rape?²⁷

- The answer is “Yes” if legislation entitles a woman to file a complaint for rape against her husband or partner, and does not exclude spouses from its application.
- The answer is “No” if
 - the legislation on rape or sexual assault contains exemptions that prevent spouses from being charged with the offense or states that there is no crime of rape between husband and wife or within marriage, or
 - rape is not a codified crime.

93. Is the husband exempt from facing criminal penalties for rape (marital rape exemption)?²⁸

- The answer is “Yes” if
 - the legislation on rape or sexual assault, or general criminal law, exempts husbands or spouses from being charged with the offense or clearly states that there is no crime of rape between husband and wife or within marriage, or
 - the provision on rape between spouses is conditioned on the act being committed with violence.

94. Are perpetrators exempt from facing criminal charges for rape if they marry the victim?²⁹

- The answer is “Yes” if
 - the legislation on rape or sexual assault, or general criminal law, exempts the perpetrator from being charged with the offense if he marries the victim after the crime, or
 - the legislation provides for mitigated penalties if the perpetrator marries the victim after the crime.