



Laws and policies to address violence against women in countries affected by fragility and conflict

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This Brief presents data collected by the World Bank's *Women, Business and the Law* (WBL) project on legal and supportive frameworks to curb domestic violence and sexual harassment in 55 countries, including 17 categorized as affected by fragility, conflict, and violence (FCV). Analysis of the data reveals glaring gaps in the legal and supportive frameworks currently in place to protect women from violence, and between those frameworks. By providing an overview of the data across countries and a deep dive on laws and policies currently in place in FCV countries, as well as the gaps, the Brief can provide a starting point for efforts to further strengthen laws and policies on violence against women.

Legal and policy measures addressing violence against women are vital to their safety and well-being, especially in fragile and conflict-affected settings

Legal frameworks play a significant role in expanding women's economic participation and empowerment. The World Bank's *Women, Business and the Law* (WBL) project demonstrates the critical links between gender equality under laws and policies and positive outcomes for women's employment and entrepreneurship. Better performance in addressing domestic violence and sexual harassment in employment, as measured by the WBL index, is associated with better development outcomes (World Bank 2022).

Worldwide, about one in three women has been subjected to some form of violence, either physical or sexual, by an intimate partner or a non-partner in their lifetime. In 2021 alone, every hour more than five women or girls were killed by someone in their own family (UN Women 2020; Sakhonchik et al. 2015).

When a woman suffers abuse, her health and psychological well-being are threatened and her capacity to work and function socially are impaired, and so are those of her children, who are at a higher risk of developing behavioral problems and perpetuating the cycle of violence (Harrison 2021; WHO 2021; Sakhonchik et al. 2015). Further, violence against women leads to an array of direct economic costs for countries, such as higher expenses on police, judicial, and health care services, as well as indirect costs, including lower productivity, decreased profitability and returns for companies, and overall high economic costs in relation to the national GDP, resulting in hundreds of billions of losses (Commonwealth Secretariat 2020; EIGE 2021; Raghavendra et al. 2019; UN Women 2016). Research finds that an increase in the share of women subject to violence by 1 percentage point could

reduce economic activity by up to 8 percent due to a significant drop in formal female employment (Ouedraogo and Stenzel 2021).

Addressing violence against women through legal and policy interventions, as first steps, could save countries millions of lives and billions of dollars every year (Modi et al. 2014). Research indicates that worldwide, having domestic violence legislation in place could have saved about 33 million women between 1990 and 2012 (Amin et al. 2016). In the United States, every dollar spent on protection orders for women has been estimated to save \$30.75 in avoided costs (Logan, Walker, and Hoyt 2012). Protective orders typically include injunctions, restraining orders or any other order issued by a criminal or civil court to protect survivors from violent or threatening acts. Policy interventions aimed at funding domestic violence programs and the implementation of related laws are linked to a reduction in recidivism of offenders and revictimization (Bennett et al. 2004). Countries can promote survivors' long-term social, financial, and emotional well-being by adopting a multifaceted and collaborative approach to services such as medical and psychological support, legal aid, and livelihood support (Eckhardt et al. 2013; Ghidei et al. 2022; McFarlane et al. 2014). Similarly, legislation protecting women from sexual harassment in employment, by also establishing internal reporting mechanisms, and the adoption of internal codes of conduct, as outlined by the International Labour Organization (ILO), have been shown to reduce sexual harassment costs to both individuals and companies in terms of increased absences, reduced productivity, and increased employee turnover (Shaw and Hess 2018). Adopting fair, accessible, and transparent complaints mechanisms in private and public sector employment increases the likelihood that victims of harassment will lodge complaints and may also play a role in deterring perpetrators (Busby 2022; Keplinger et al. 2019).

Violence against women is particularly acute in fragile and conflict-affected situations (FCS). Globally, 502 million women

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(nearly 1 in every 16 women) live in countries affected by fragility, conflict, and violence (FCV), and an overwhelming portion of them (414 million, or more than 80 percent) live in conflict-affected ones.¹ Because violence against women is often rooted in structural inequality and power imbalances, which are prevalent in FCV countries, women in these contexts tend to face higher risks of multiple forms of violence than women in non-FCV countries. These include exploitation, domestic violence, sexual violence, forced or early marriage, and multiple forms of sexual harassment, among others.

Conflict-related factors such as the proliferation of weapons, the prevalence of armed groups, displacement, and the breakdown of social norms and institutions significantly worsen the position of women and heighten their vulnerability to gender-based violence (Arango et al. 2021). For example, in Mindanao, the Philippines, protracted conflict and climate change have heightened women’s vulnerability to trafficking and sexual abuse. In Darfur, Sudan, women were often abused by local armed groups during their journeys to collect water (Ahmadnia et al. 2022). This conflict-gender-environment nexus also often results in displacement, which can lead to the break-down of families and communities, leaving women without the support networks and services they need to protect themselves from violence. Women who are displaced due to conflict or violence are at even greater risk of violence because they are forced to rely on strangers or nontrusted individuals for basic needs such as shelter, food, and water (Arango et al. 2021). Some of the gendered implications of conflict and fragility also include the disruption of traditional gender roles, which can lead to increased violence against women as men struggle to assert their dominance and control. For example, armed groups in multiple African countries such as the Central African Republic, the Democratic Republic of Congo, and Liberia, among others, are notoriously known for using sexual violence against women as an instrument of war (Daudu and Shulika 2019).

The consequences of violence against women in FCV countries are severe and far-reaching. According to a study of Somali women in a Kenyan refugee camp, women who experience intimate partner violence or conflict-related violence are more likely to suffer from physical and mental health problems, including depression, anxiety, and post-traumatic stress disorder (PTSD) (Hossain et al. 2020). Because women survivors may be stigmatized and discriminated against as a result of their experiences, they are also more likely to experience social and economic marginalization, thus placing them at risk for multiple health problems (Sabri and Granger 2018). Restrictions on women and girls’ mobility hinder their access to education, training, and work opportunities, thereby limiting their potential to engage in paid work and fully contribute to the economy (Ouedraogo and Stenzel 2021). For example, in December 2022,

the interim Taliban administration in Afghanistan suspended university education for all female students, and prohibited women from working for domestic and foreign nongovernmental organizations (NGOs).

The impact of violence on women’s economic participation can have broader consequences for the economy and society as a whole, especially in the context of FCV countries, as shown by the drastic decline of per capita income in Afghanistan and Somalia recently (Africa Development Bank 2023; World Bank 2023b). Investing in the reduction of violence against women and improving gender equality can lead to higher economic growth, increased productivity, and greater social stability (UN 2022). All these highlighted intersecting factors contribute to the overall costs of violence against women borne by individuals and societies at large.

Robust legal and supportive frameworks are needed to address violence against women in FCV countries

Although laws are a *de jure* formal recognition of rights and duties and an establishment of them, improper implementation and weak enforcement remain critical barriers to the realization of *de facto* women’s rights and opportunities. In recognition of this gap, WBL introduced a new conceptual framework for measuring how the law functions in practice. This “structure-process-outcome” approach examines legal and supportive frameworks that create an enabling environment for working women, as well as expert opinions about the nature and extent of gender equality on the ground. Supportive frameworks include, but are not limited to, national plans, programs, incentives, services, budgetary allocations, and national entities responsible for collecting and publishing data and guidelines, among others. This Brief presents findings from questions of the WBL project concerning the legal and supportive frameworks in the areas of domestic violence and sexual harassment in employment (table 1). The survey was administered in 55 pilot countries, including 17 fragile and conflict-affected (FCV) countries, of which 10 are conflict-affected and 7 are characterized by high institutional and social fragility.²

The laws and supportive frameworks analyzed were selected on the basis of their association with measures of women’s social and economic outcomes (Amin and Islam 2015; Htun, Jensenius, and Nelson-Nuñez 2019; Islam, Muzi, and Amin 2019; Roy 2019; Zabalza and Tzannatos 1985). They are aligned with the international and regional legal frameworks on violence against women, including in FCV contexts.³ These were enacted with the aim of strengthening legal frameworks and justice systems at both the international and country levels, increasing access to different types of support services for women survivors of violence, and

Table 1 Legal and supportive frameworks questions on violence against women

Legal frameworks questions	Supporting frameworks questions
Is there legislation on domestic violence?	Are legal mandates and services for survivors— medical and psychological support, legal aid and livelihood support—in place and operational?
Is there legislation on sexual harassment in employment?	Are there entities responsible for the adoption of anti-harassment policies and measures by employers?
Are there criminal penalties or civil remedies for sexual harassment in employment?	Is there a special procedure for cases of sexual harassment in employment?

Source: World Bank *Women, Business and the Law* project.

promoting gender equality and women’s empowerment at the community level.

Legal and supportive frameworks to address domestic violence

The analysis of the WBL pilot data set of 55 countries revealed that the existence of adequate and comprehensive legal frameworks on violence against women is crucial when addressing violence against women but is insufficient on its own. This is why more attention should be focused on the presence of frameworks and arrangements that impede or support effective implementation of existing laws. These include building competent and effective institutions and policies, strengthening enforcement structures, and funding essential processes and services required for effective implementation, among others.

Of the 55 pilot countries, 47 have enacted legislation specifically addressing domestic violence and imposing criminal penalties or protection orders for such acts. Among the 17 FCV countries covered by the implementation pilot, 12 have adopted legislation in this area: Armenia, Azerbaijan, the Republic of Congo, Ethiopia, Kosovo, Lebanon, Mozambique, Nigeria, Papua New Guinea, Timor-Leste, the República Bolivariana de Venezuela, and Zimbabwe. This means that while 92 percent of non-FCV countries in the pilot have protections in place against domestic violence, 71 percent of FCV countries do, thereby revealing important disparities in legal landscapes among FCV and non-FCV countries. Further, analysis of the supportive frameworks in place in the pilot revealed that only 12 countries—only 2 of them FCV countries—have adopted frameworks to support the effective implementation of the established laws (figure 1).

Interestingly, all 7 FCV countries categorized as fragile have legislation on domestic violence in place, while only half of the 10 FCV conflict-affected countries have adopted such laws. Further, the only 2 countries that have supportive frameworks in this area, Timor-Leste and the República Bolivariana de Venezuela, are also fragile countries. This distinction between fragile and conflict-affected countries can be attributed to weaker political structures and more constrained legislative capacity in conflict-affected countries than in fragile countries.

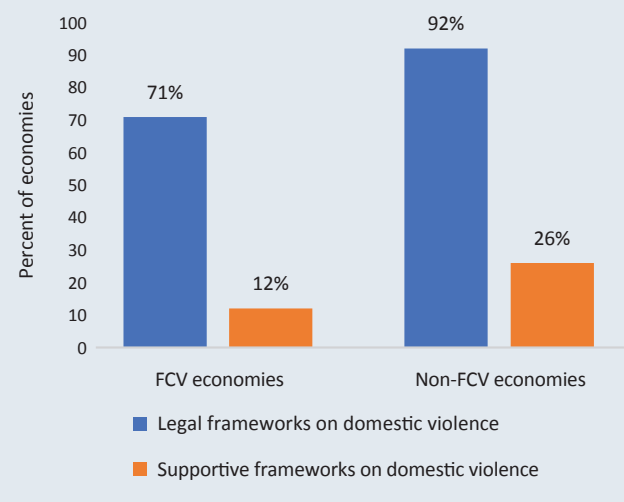
The legal environment to protect women from domestic violence has improved in the last two decades, but important gaps remain in FCV countries

A break-down in the rule of law weakens principles of accountability, open government, and impartial and accessible justice, which undergird all effective legislative frameworks. This is why violence against women is more pervasive in protracted periods of fragility, conflict, and violence because countries often lack the same legislative capacities to adopt laws in this area. For example, most current laws protecting women and girls from domestic violence were enacted only at the end of conflict or when its intensity decreased, as in the case of Mozambique. This pattern suggests that countries’ legislative capacity is impaired during a conflict, or before a country was classified as fragile, as seen in the República Bolivariana de Venezuela.

In Mozambique, the Act on Domestic Violence Perpetrated against Women was passed only after the end of the civil war between the government-led Mozambique Liberation Front and the Mozambican National Resistance, and before the reemergence of another conflict in 2013 (Addis Ababa University 2020). The Law on Domestic Violence Perpetrated against Women is a comprehensive piece of legislation that covers all forms of domestic violence against women, including physical, sexual, psychological, and economic abuse perpetrated by spouses, partners, and boyfriends, both current and former, and family members. The law imposes criminal penalties, such as fines and imprisonment from three days to eight years, as well as community

Figure 1

While many FCV and non-FCV countries have legal frameworks on domestic violence, supportive frameworks lag



Source: *Women, Business and the Law* database.

Note: The figure covers 55 countries, of which 17 are categorized as affected by fragility, conflict, and violence (FCV).

work, and provides for the issuance of protection orders against perpetrators. Furthermore, the Law explicitly addresses marital rape by stipulating that any instances of “non-consensual intercourse” is a criminal offense that carries a punishment of imprisonment for a period of six months to two years, in addition to a fine.

The first FCV country to introduce a law on domestic violence was the República Bolivariana de Venezuela, which set up this legal framework before the country was classified as a fragile state by the World Bank in 2019. After seven years of debate in parliament, and four years after the ratification of the Convention of Belém do Pará, the *Ley sobre la Violencia contra la Mujer y la Familia* came into force in 1999 (Immigration and Refugee Board of Canada 2008). In 2007, the law was replaced by the more progressive piece of legislation, *Ley Orgánica Sobre el Derecho de las Mujeres a una Vida Libre de Violencia*. And, more recently, the Republic of Congo specifically addressed, for the first time, domestic violence through the adoption of the *Law Mouebara* in 2022. The law stands out as a comprehensive piece of legislation addressing multiple forms of abuse—physical, psychological, emotional, and economic—and providing for both criminal penalties and protection orders for survivors (Agende D’Information D’Afrique Central 2022).

In spite of the sustained push for legislative reform in the area of violence against women by the international community, 5 of the 10 FCV conflict-affected countries still do not have provisions in place to address domestic violence: the Democratic Republic of Congo, Libya, Myanmar, South Sudan, and the Republic of Yemen. A common trait among these countries is that all of them have had much more severe and recent conflict. In Libya, the law penalizes domestic violence only if a man beats his wife to the extent that her injuries require hospitalization, and the law explicitly states that merely beating or causing simple harm to one’s wife is not a punishable offense. While the Republic of Yemen offers some form of protection against domestic violence through the Penal Code’s general provisions criminalizing infliction of physical harm, the country has not yet adopted specific legislation addressing domestic violence.

Moreover, although most countries in the pilot have established legal protections against domestic violence, only in about half of them does rape of a spouse constitute a criminal offense. Out of the 17 FCV countries in the pilot, while 4 explicitly criminalize marital rape

(Kosovo, Mozambique, Timor-Leste, the República Bolivariana de Venezuela), another 4 (Lebanon, Myanmar, South Sudan, Zimbabwe) have a marital rape exemption in place: a wife is explicitly not allowed to file a complaint for rape against her husband. For instance, Zimbabwe's Section 68 of the Criminal Law (Codification and Reform) Act establishes that a husband cannot be prosecuted for "raping or indecently assaulting his wife [...] unless the Attorney-General has authorized such a prosecution." Similarly, Myanmar's Section 375 of the Penal Code provides that "sexual intercourse by a man with his own wife, the wife not being under thirteen years of age, is not rape." In the remaining 9 countries, women are legally entitled to file a complaint against their husband or partner under the general rape provisions in criminal laws.

The absence of legal frameworks protecting women from domestic violence in FCV countries, and particularly in conflict-affected states, directly corresponds to these countries' lack of institutional capacity to effectively address violence against women in both the public and private spheres. This is also true in post-conflict settings; the terminology of "post-conflict" often masks the true reality of women at the end of conflict, as within the household the trauma of armed conflict becomes a key ingredient in contemporary rates of domestic violence (Bradley 2018).

Almost all FCV countries have laws on domestic violence, but most lack supportive frameworks in this area

While 86 percent of the countries in the pilot have adopted legislation on domestic violence, 78 percent do not have supportive frameworks in place to ensure the implementation of the law. The pilot data set on domestic violence surveyed whether support services—health care services, psychological support, legal aid, and livelihood support—for survivors of domestic violence are mandated by law, as well as in place and operational.

Only 2 FCV countries, both characterized by fragility, have a comprehensive and integrated set of support services: Timor-Leste and the República Bolivariana de Venezuela (box 1). Both countries have established by law the provision of the four support services for survivors of domestic violence examined (health care, psychological support, legal aid, and livelihood support) and all these services are operational in practice. The analysis revealed that 6 countries (Armenia, Azerbaijan, the Democratic Republic of Congo, Kosovo, Mozambique) mandate the provision of all or some of the four key services—which, however, are not fully operational in practice. For instance, Azerbaijan's Law on Domestic Violence mandates the provision of medical assistance and psychological support in temporary shelters, as well as livelihood support in the form of education and trainings aimed at providing new professional skills. Similarly, Kosovo's Law on Protection against Domestic Violence mandates multiple ministries to establish social and medical assistance. The remaining countries do not have any legislation establishing access to such services for survivors.

When it comes to the actual functioning of such services, only in 7 countries (Armenia, the Democratic Republic of Congo, Kosovo, Mozambique, Myanmar, Nigeria, Papua New Guinea) are some of these operational, particularly health care and livelihood support for survivors of domestic violence. For instance, to better address domestic violence, ten years after the creation of a multisectoral mechanism for the integrated care of women survivors of violence, Mozambique took further steps by enacting Ministerial Decree No. 75 in 2020. The decree approved the Regulation on the Organization and Operation of Integrated Care Centers for Victims of Domestic and Gender-Based Violence, commonly referred to as CAI. The CAI is designed to provide protection, as well as coordinated and integrated health care, and psychological and legal assistance, for survivors of domestic and gender-based violence. To complement

Box 1

Legal and supportive frameworks on domestic violence in Timor-Leste and the República Bolivariana de Venezuela

Among the 17 countries categorized as affected by fragility, conflict, and violence (FCV) in the pilot *Women, Business and the Law* data set, Timor-Leste and the República Bolivariana de Venezuela stand out due to the comprehensive approach to domestic violence in both their legal and supportive frameworks.

Timor-Leste recognized women's empowerment as a key development strategy in its first National Development Plan after achieving independence in 2002. This plan highlighted the newly formed nation's intention to ratify the Convention on Elimination of Discrimination Against Women (CEDAW) and to adopt legislation to protect women and girls from violence. In 2010, the country took a step forward by adopting the Law on Domestic Violence (No. 7/2010), making multiples forms of domestic violence—such as physical, emotional, sexual, and financial abuse—a punishable offence. The law also mandated the provision of a variety of service for women survivors of violence and their children. Since then, the government has strengthened the support for survivors at different levels through, for instance, a program to provide specialized support and assistance services for survivors (Orientasaun TeknikaatuEstablese Uma Mahon). In 2016, the government program provided financial assistance to nongovernmental organizations to run shelters and transitional houses for women in ten districts. Legal assistance, medical forensic examination, counseling, life-skills training, and reintegration support services are provided through the Nabilan (Ending Violence Against Women) government program, in cooperation with the Asia Foundation.

The *República Bolivariana de Venezuela* adopted a comprehensive legal framework in 2007 to address violence against women more holistically and in multiple areas, by mandating the provision of health care and psychological services, legal aid, livelihood support, and other services for survivors. In addition, in 2013 the country established coordinated and integrated support services for women survivors of domestic violence through Centros de Atención y Formación Integral de las Mujeres (CAFIM). The CAFIMs are facilities where a multidisciplinary team of professionals provides comprehensive care to women, including counseling and psychological services, gynecological consultations, and financial and legal assistance, with a capacity to attend 1,000 women per month. Besides creating a domestic violence national hotline, the Ministry of the People's Power for Women and Gender Equality (MINMUJER) made shelter houses available for survivors of extreme situations of gender-based violence. The shelter houses were established under a program specified in the Organic Law on the Right of Women to a Life Free of Violence to provide discreet, confidential, and safe temporary housing to women and their children under 12 years of age. However, despite legislative changes and the creation of special courts and centers for survivors, women's access to justice was still limited. Thus, in 2021, the country further amended the law, expanding the definition of domestic violence to include family violence by all relatives, mandating the Supreme Court to ensure the existence of specialized courts in border and hard-to-reach areas, modifying reporting procedures, and developing a program promoting the financial autonomy of women survivors of violence.

Source: Asia Foundation 2019; Timor-Leste National Development Plan 2012; UN Women 2016.

these efforts, the government has created 24 integrated care centers, and has attached domestic violence survivor’s assistance offices to the police stations in all provincial capitals. Training is being provided to enhance the capacities of police and criminal justice system officers, health care providers, and CAI staff, and to develop a harmonized approach toward psychosocial support and case management, through the support of development partners. Following a similar approach, the Republic of Congo, addressed gender-based violence through Law Mouebara in 2022. The parliament authorized the creation of a rehabilitation center for women survivors of domestic violence, the Mouebara Center. Although the center is not yet operational, it aims to provide essential support to victims of domestic violence, such as psychological, social, administrative, and legal services.

Legal and supportive frameworks to address sexual harassment in employment

Women face sexual harassment in multiple spheres of their lives, including employment, education, cyber-space, and public places such as public transport, marketplaces, among others. These forms of violence are even more pronounced in FCV contexts where conflict, fragility, injustice, and insecurity remain prevalent, and women are used as either strategies or byproducts of conflict, which further reinforces the continuum of sexual harassment against women and girls in multiple spheres of their lives, including at work. As the rule of law and countries’ institutional capacity is reduced in fragile and conflict-affected countries, violence against women—including sexual harassment—is magnified, resulting in severe mental health issues and PTSD, threats to women’s physical integrity, and impaired access to education and work opportunities, among others. Such factors limit women’s economic opportunities and capacity to enter and remain in the workforce. Frameworks that support the effective implementation of the law, such as government institutions in charge of establishing national policies on sexual harassment in employment, and judiciaries capable of swiftly ruling on sexual harassment complaints, are key.

WBL found that out of the 55 countries in the pilot data set, 49 have enacted legislation on sexual harassment in employment. Of these, 37 (75.5 percent) are non-FCV countries and 12 (24.5 percent) are FCV countries: Azerbaijan, Republic of Congo, Democratic Republic of Congo, Ethiopia, Kosovo, Lebanon,

Mozambique, Nigeria, South Sudan, Timor-Leste, the República Bolivariana de Venezuela, and Zimbabwe). Further, 45 economies have in place either criminal penalties or civil remedies to address such behaviors; of these 34 (75.5 percent) are non-FCV countries and 11 (24.5 percent) are FCV countries. Further analysis revealed that only 20 (36.4 percent) have gone on to adopt supportive frameworks, such as sexual harassment policies, internal codes of conduct, and only 9 (16.4 percent) special procedures for cases of sexual harassment. Of these, only 2 are FCV countries (figure 2).

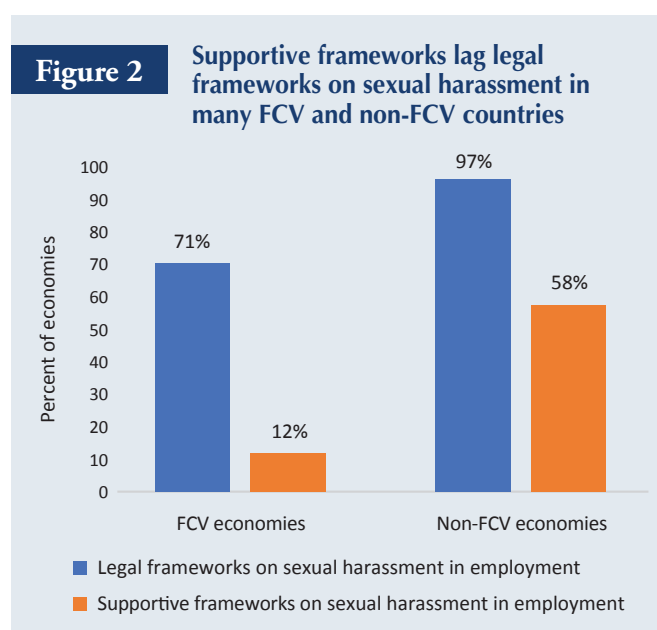
Overall, fragile countries have better legal and supportive frameworks in place on sexual harassment in employment compared to conflict-affected ones—a pattern already noted in the analysis of legal and supportive frameworks on domestic violence. Sixty percent of conflict-affected countries have legislation on sexual harassment in employment, compared to 86 percent of fragile countries. Further, out of the 55 countries in the pilot, 24 have supportive frameworks in place, intended as either an entity responsible for defining and supporting the adoption of anti-harassment policies and measures by employers, or special procedures for sexual harassment in employment. Twenty-two (40 percent) are non-FCV countries, while only 2 are FCV countries, and both fragile: the República Bolivariana de Venezuela and Zimbabwe.

While the majority of FCV countries have addressed sexual harassment in employment, more needs to be done to enact comprehensive legal frameworks

Only 7 of the 17 FCV countries covered in the WBL pilot have comprehensive legal frameworks on sexual harassment in employment: the Democratic Republic of Congo, Ethiopia, Kosovo, Lebanon, Mozambique, South Sudan, and the República Bolivariana de Venezuela. All 7 have enacted both criminal penalties and civil remedies to address such behavior. Conversely, the Republic of Congo and Nigeria only criminalized these acts, while Azerbaijan and Zimbabwe only enacted civil remedies for survivors, in addition to prohibiting sexual harassment in employment. Timor-Leste’s Labor Code only prohibits sexual harassment in the workplace, neither providing criminal penalties for perpetrators nor making civil remedies available to survivors.

In 2020, Lebanon introduced the Law on Criminalizing Sexual Harassment and the Rehabilitation of its Victims, which not only makes sexual harassment in employment a punishable offence, but also enables victims to claim compensation for the psychological, moral, and material pain suffered. This law also contains landmark provisions outlining whistleblower protections. However, because it addresses sexual harassment solely as a crime, it fails to tackle prevention, labor-related aspects, monitoring, and civil remedies. More recently, the Republic of Congo’s Law Mouebara, passed in 2022, protects women from sexual harassment in employment and imposes criminal penalties for such conduct, up to 10 years in prison. The Democratic Republic of Congo stands out as the first conflict-affected country to introduce such legislation, in 2002. The law provides victims of sexual harassment with the remedy of terminating their employment contract and claiming compensation for damages incurred.

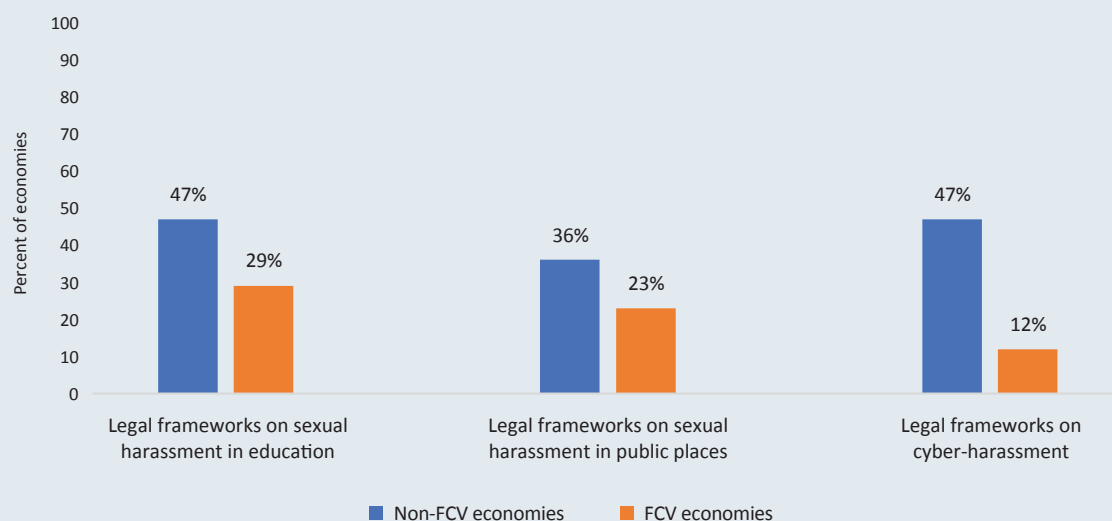
Beyond the sphere of employment, only 5 FCV countries covered by the WBL pilot have enacted legislation addressing sexual harassment in education: Ethiopia, Kosovo, Lebanon, Nigeria, and República Bolivariana de Venezuela (figure 3). The Criminal Law of Lagos State in Nigeria, enacted in 2011, clearly defines sexual harassment in education as a felony, making offenders liable to imprisonment for three years upon conviction. This law sets a precedent for other countries in fragile and conflict situations to follow in the fight against sexual harassment in education. With regard to sexual harassment in public places, 13 of the 17 FCV



Source: Women, Business and the Law database.

Note: The figure covers 55 countries, of which 17 are categorized as affected by fragility, conflict, and violence (FCV).

Figure 3 Many FCV and non-FCV countries lack legal frameworks on sexual harassment in education, public places, and cyber-harassment



Source: *Women, Business and the Law* database.

Note: The figure covers 55 countries, of which 17 are categorized as affected by fragility, conflict, and violence (FCV).

countries in the pilot have not yet adopted legislation specifically addressing such offense in public areas or transportation.

Cyber-harassment and cyber-stalking have also emerged as increasingly prevalent issues, particularly since the onset of the COVID-19 pandemic. Despite the growing threat, only 2 FCV countries covered by the WBL pilot have taken legal measures to prohibit cyber-harassment: Lebanon and Nigeria. Lebanon's landmark anti-sexual harassment Law No. 205 criminalizes sexual harassment in any place including cyber-space and classifies it as a form of misdemeanor punishable by fines and imprisonment. Although the majority of FCV countries are yet to enact laws in this area, some of them, such as Ethiopia, have made efforts to partially address it. Ethiopia's legislation, while not specifically addressing harassment or acts occurring through the internet, refers more broadly to the harm caused by electronic means. More needs to be done to address cyber-harassment in FCV settings to protect individuals—particularly women—from the harmful effects of online abuse.

Shortcomings in FCV countries supportive frameworks on sexual harassment in employment limit the full implementation and effectiveness of laws

The analysis of the pilot data set revealed outstanding gaps between legal and supporting frameworks to effectively prevent and respond to sexual harassment in employment, with only 2 fragile countries—República Bolivariana de Venezuela and Zimbabwe—having supporting frameworks in place. The WBL research and analysis identified where the law not only establishes the appointment of independent entities responsible for adopting anti-harassment policies and measures in employment, but also special procedures for such offenses.

Twelve out of the 17 FCV countries in the pilot have enacted legal provisions prohibiting this behavior, yet in practice 10 of these 12 countries have not adopted any measures to implement legal frameworks addressing sexual harassment in employment. For instance, Mozambique prohibits sexual harassment in the workplace under both criminal and civil law, but no government entity in the

country has been given the responsibility of defining and supporting the adoption of anti-harassment policies by employers. This has left Mozambique without any comprehensive mechanisms to complement its legal framework on sexual harassment in employment. Similarly, in Azerbaijan, the absence of special procedures and accountability frameworks, as well as a lack of budgetary allocations to fund efforts to curb violence against women, continue to deter women from reporting cases of sexual harassment and receiving the necessary support they need.

In this context, the República Bolivariana de Venezuela and Zimbabwe are the only 2 FCV and fragile countries that have adopted comprehensive supporting frameworks to address sexual harassment in employment (box 2). The República Bolivariana de Venezuela provides best practices for establishing special procedures for cases of sexual harassment in employment, while Zimbabwe provides best practices for creating dedicated and independent entities to receive, investigate, and adjudicate cases of sexual harassment.

Conclusion

Violence against women is an unacceptable and pervasive plague both at the global level and especially in FCV countries. Astonishingly, despite the magnitude of this phenomenon, results of the analysis of the WBL pilot data set show that many of them lack legal and supportive frameworks to address violence against women. The gap is even wider when looking at supportive frameworks only. Specifically, less than half of non-FCV countries in the WBL pilot have supportive frameworks in place to address domestic violence and sexual harassment, with 47 percent and 26 percent, respectively. And the divide is even more alarming among the 17 FCV countries covered by the pilot, as only 2 have comprehensive measures in place against domestic violence, and only 2 have mechanisms to address sexual harassment in employment. Interestingly, fragile countries have more comprehensive legal and supportive frameworks in place than conflict-affected countries. This may be indicative of the fact that while institutional capacity is reduced or nonexistent in both sets of countries, the spillovers from conflict may be much more severe due to the active armed violence, thus minimizing countries

Box 2

Legal and supportive frameworks on sexual harassment in the República Bolivariana de Venezuela and Zimbabwe

The *República Bolivariana de Venezuela* has put in place various policy and programmatic measures to prevent and respond to sexual harassment in employment. These include the creation of institutions and the implementation of new programs to complement legal and institutional frameworks already in place to prevent and respond to sexual harassment in employment. Key institutions in this area include the Ministry of Popular Power for Women and Gender Equality, the Ministry of Public Affairs, and the Ministry of the Popular Power for Interior, Justice and Peace to investigate and penalize perpetrators of sexual harassment in employment. While the *Ley Orgánica sobre el Derecho a una Vida Libre de Violencia* and *Ley Orgánica del Trabajo* have created a conducive legal environment that enables women to receive criminal and civil recourse for sexual harassment in employment, the government has gone further to enact supportive policy frameworks in this regard. For example, the National Prosecutor for Women's Rights, a department under the Ministry of Public Affairs, was created solely to prevent violence against women, and investigate and penalize perpetrators of crimes including sexual harassment in employment. In line with *Ley Orgánica del Trabajo*, the Public Prosecutor's office is also responsible for initiating special investigatory procedures to prove the commission of sexual harassment, ascertaining the appropriate psycho-social needs of victims, and issuing protection and security measures. Women victims further have the option of approaching the Court of Violence against Women for a secondary review of the Public Prosecutor's final decision, which allows for comprehensive redress for women victims.

Zimbabwe has adopted comprehensive programmatic measures to prevent and respond to sexual harassment. Its new Constitution, which came into force in 2013, provides for the establishment of the Zimbabwe Gender Commission. The functions of this Commission, as set out in the Constitution, include monitoring issues concerning gender equality, investigating violations of gender-related rights, handling complaints, conducting research into issues of gender and social justice, and recommending policy and legal changes, among others. Pursuant to this, in 2016, the parliament also enacted the Gender Commission Act. This law includes detailed provisions regarding the functioning of the Gender Commission and mandates that the Commission holds a Gender Forum every year. Ten years after the establishment of the Zimbabwe Gender Commission, the Commission has a dedicated website and social media accounts that publicize its work as well as receive and handle sexual harassment cases from the public; works closely with the National Prosecuting Authority of Zimbabwe to ensure stiff penalties for perpetrators of violence against women and girls; and publishes an annual report outlining the Commission's operations. Earlier this year, the Commission launched a call for nominations for its first-ever Gender Equality Awards in recognition of individuals and institutions with outstanding gender-responsive programs, including initiatives on preventing and responding to violence against women. The Zimbabwe Gender Commission has also recently developed the Strategy for the Elimination of Sexual Harassment and Gender-Based Violence in the Workplace in Zimbabwe (2021–2025) in collaboration with the International Labour Organization (ILO) under the Spotlight Initiative. This Strategy aims to create an environment that will lead to a reduction, and ultimately elimination, of sexual harassment in the workplace. The Strategy also focuses on ensuring that cases of sexual harassment cases in the workplace are reported and are adjudicated upon in a timely manner.

Source: International Labor Organization (ILO), 2021.

legislative and institutional capacity.

It is therefore critical that policy makers and the international community take action to address this complex and multifaceted issue, which requires a comprehensive and coordinated response, as well as consideration of the very unique attributes of and differences between fragile countries and conflict-affected countries. By understanding the underlying causes of gender-based violence, the consequences of it, and what works, a safer and more equitable environment can be built for women in FCV contexts. *Women, Business and the Law* will expand its research agenda to provide a better understanding of the status of laws and policies worldwide, and to identify interventions to effectively prevent and respond to violence against women.

Notes

- ¹ Data are based on the World Bank fiscal year 2023 (FY23) list of fragile and conflict-affected situations (FCS). At present, there are 37 FCV countries, according to the World Bank FY23 list.
- ² The 10 conflict-affected countries are Armenia, Azerbaijan, the Democratic Republic of Congo, Ethiopia, Libya, Mozambique, Myanmar, Nigeria, South Sudan, and the Republic of Yemen. The 7 fragile countries are the Republic of Congo, Kosovo, Lebanon, Papua New Guinea, Timor-Leste, the Bolivarian Republic of Venezuela, and Zimbabwe.
- ³ International frameworks include the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); Declaration on the Elimination of Violence against Women (DEVAW); Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Convention of Belem do Pará); Protocol to the African Charter in Human and People's Rights on the Rights of Women in Africa (Maputo Protocol), among others.

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