

by EU Directive 92/85/EEC (European Economic Community, 1992, Article 8(2)). Although many EU countries provide longer periods of compulsory leave, several EU countries provide only the two-week minimum.<sup>16</sup>

However, some countries do not have any period of compulsory leave. Of the 167 countries for which information was available, 27 per cent (46 countries) provide for no compulsory leave, 10 per cent provide for one to five weeks of leave, 33 per cent (55 countries) provide for exactly six weeks, and 29 per cent (49 countries) provide for more than six weeks.<sup>17</sup>

In Africa, 76 per cent of the 51 countries with information available provide some degree of compulsory leave (including Burundi, Madagascar and Uganda).<sup>18</sup> Only 12 countries provide no compulsory leave (including Algeria, Malawi and Zambia, and concern regarding this situation has been raised by the CEACR on the application of Convention No. 103),<sup>19</sup> while 37 provide at least six weeks of compulsory leave with the longest leave being in Angola, Congo, Ethiopia (nine weeks), and Seychelles (12 weeks). In Asia, out of 25 countries with information available, 15 provide six weeks or more of compulsory leave (including China, Sri Lanka and Viet Nam),<sup>20</sup> while eight have no provisions for compulsory leave (including Cambodia, Nepal and Thailand).<sup>21</sup> Of the 15 Eastern European and Central Asian countries, only four do not provide for compulsory leave (Serbia, Tajikistan, The former Yugoslav Republic of Macedonia and Uzbekistan), with the other 73 per cent providing at least six weeks.<sup>22</sup> Of the 35 Developed Economies with information available, 26 per cent provide no compulsory leave at all,<sup>23</sup> eight provide for one to five weeks, and just over half provide for six weeks or more (the longest periods are provided by Belgium and Greece, at nine weeks each, and Italy at 13 weeks).<sup>24</sup> In Latin America and the Caribbean, information was collected for 31 countries, of which eight provide no compulsory leave,<sup>25</sup> while 21 provide for at least six weeks (including Colombia, Haiti and Peru).<sup>26</sup> Finally, of the ten Middle Eastern countries, 30 per cent provide six weeks or more (Jordan, Saudi Arabia and Yemen, while Iraq provides five weeks), while half make no provision for compulsory leave at all (Bahrain, Kuwait, Lebanon, Syrian Arab Republic and the United Arab Emirates).

*To the extent possible, measures should be taken to ensure that the woman is entitled to choose freely the time at which she takes any non-compulsory portion of her maternity leave, before or after childbirth.*

**Recommendation No. 191, Paragraph 1(3)**

Except for the period of six weeks' compulsory postnatal leave, Convention No. 183 does not stipulate how maternity leave should be distributed before and/or after childbirth, and Recommendation No. 191 emphasizes the advantages of providing women with flexibility in this regard. Legislation that allows more choice regarding how non-compulsory maternity leave should be distributed is more likely to meet women's needs. The woman should thus be able to choose freely when she takes any non-compulsory portion of her maternity leave.

Countries differ considerably in the extent of flexibility offered and how much choice women have over when they may take statutory maternity leave and how to distribute it before and after childbirth. Of the 167 countries with information available, 86 – or just over half – provide some flexibility regarding when and how the leave can be taken. The regional disparities between these countries are striking. For example, of the ten countries with information available in the Middle East, the large majority provide for flexibility, (including Jordan, Lebanon and Qatar), while in Eastern Europe and Central Asia, only Belarus offered choice in how to distribute maternity leave.

In other countries, the legislation leaves some room for women to decide how to distribute the allotted leave. For example, in Peru the system is flexible in terms of when the non-compulsory part of the leave can be taken. The normal duration of leave is 90 days, with a compulsory period of 45 days after childbirth. The remaining 45 days can be taken before birth or they can be wholly or partly deferred and added to postnatal leave if the woman so desires, provided that there is no negative effect on mother or child. In France, women are entitled to 16 weeks of leave, divided into six weeks before and ten weeks after the expected birth. If a woman so desires, she may reduce the prenatal leave by up to three weeks and transfer those weeks to the postnatal period, with the approval of a medical practitioner.<sup>27</sup> In Singapore,