

PF2.6 Same-sex and adoptive parental leave entitlements

Definitions and methodology

This indicator provides an overview of same-sex and adoptive parents' access to parental leave systems across OECD and EU countries.

- **Same-sex parents:** People in a same-sex relationship who are currently parenting children. Same-sex parents can have different forms of partnership status, which may affect their access to maternity, paternity, parental, home care and adoption leave. In most OECD countries, same-sex parents can become legally married, generally giving them the same rights as different-sex parents. In other countries where same-sex marriage is not legal, same-sex parents can register for civil unions or other agreements (such as in the Czech Republic and Italy). However, in a few countries (such as Hungary and Türkiye), same-sex parents are unable to have any form of legal partnership status.
- **Adoptive parents:** a couple or person who is adopting a child. An adoptive parent can adopt a child as an individual or jointly with their partner. In some countries, there are specific eligibility requirements to adopt a child. For example, in Hungary, single individuals are not allowed to adopt. In Japan and Korea, the parents have to be married.

Across countries, parental leave systems are diverse with individual characteristics that do not always fit neatly into classifications suitable for international comparison. However, four general types of parental leave are considered:

- **Maternity leave:** employment-protected leaves for mothers, or the primary caregiver, to be used around the time of childbirth. The ILO convention on maternity leave stipulates the period of paid leave should be at least 14 weeks. In some countries (for example, Australia, Iceland, New Zealand, Norway, and Sweden), there is no separate regulation for (paid) maternity leave, with stipulations instead integrated into the parental leave scheme.
- **Paternity leave:** employment-protected leave of absence for employed fathers, or partners, at or in the first few months after childbirth. In general, paternity leave is significantly shorter than maternity leave, usually lasting between one to two weeks.
- **Parental and home care leave:** employment-protected leave of absence for employed parents, which is often supplementary to specific maternity and paternity leave periods, and frequently, but not in all countries, follows the period of maternity leave. Entitlements to parental leave can be individual (i.e., each parent has their own entitlement), or family-based (i.e., only one parent can claim income support at any one time). In some countries, certain periods of parental leave are reserved for use only by individual parents and cannot be transferred; in others (such as Austria and Germany), 'bonus' paid weeks are offered if both parents use a certain portion of the family entitlement. In addition, several countries (such as the Belgium and the United Kingdom), allow the partners of parents to also be eligible for parental leave, while other countries (such as Spain and Portugal), only allow the legal parents to access parental leave. In a few countries (notably Hungary), parents can only take parental leave if they are married or in a registered partnership. Home care leave is an employment-protected leave of absence that sometimes follows parental leave and that typically allows at least one parent to remain at home to provide care until the child is two or three years of age. Home care leaves are less common than the other types of leave and are offered in only a minority of OECD countries (e.g., Finland, Norway, Portugal, and Spain).
- **Adoption leave:** employment-protected leave of absence for employed parents, to be used around the time of adoption. In most cases, adoption leave is similar to parental and homecare leave or a combination of other types of leave (e.g., in Canada, Colombia, and Italy). However, it can also include special benefits and leave entitlements only available to adoptive parents.

Same-sex parents are only considered to have access to maternity, paternity, or parental and home care leave if they are eligible for these types of leave outside of adoption. For example, in Denmark, male same-sex parents do not have access to parental leave under normal circumstances, but adoption leave is considered identical to parental leave. Nonetheless, for the purpose of this indicator, male same-sex parents in Denmark are only considered eligible for adoption leave and not parental leave.

Same-sex parents are only considered to have access to parental leave entitlements if both parents have the option to take leave. Leave is considered unavailable if the biological mother/father can take leave, while the non-biological mother/father is unable to take leave without formerly adopting the child. Similarly, same-sex parents are only considered for adoption leave if they have access to joint adoption leave.

To provide further clarity on access of same-sex couples to parental leave entitlements, this indicator also considers the availability of parents to surrogacy:

- **Surrogacy:** an arrangement where a woman agrees to carry a baby for another person, or people, who will then become the child's legal parents at birth. Traditional surrogacy is a surrogacy agreement where a woman is simultaneously the carrier and egg donor of the child, while a non-traditional surrogacy is an agreement where assistive reproductive technology is used so that a woman other than the carrier is the egg donor. Altruistic surrogacy is a surrogacy agreement without any form of payment to the carrier, while commercial surrogacy includes payments.

Key findings

Information on male same-sex parental leave entitlements is presented in Table PF2.6.1. Across OECD countries, male same-sex parents have access to less leave entitlements than female same-sex parents and adoptive parents. In part, this is caused by the lack of access to birth-related periods of leave, including maternity and paternity leave, since male same-sex parents are generally not directly involved in the birth of a child. In only 12 out of the 38 OECD countries (compared to 34 countries for different-sex parents) are male same-sex parents entitled to parental (and home care) leave. In some countries, including Australia, Austria, Belgium, Estonia, Iceland, Ireland, Luxembourg, the Netherlands, New Zealand, Sweden, and the United Kingdom, are male same-sex parents eligible for parental leave since the eligibility to leave is granted to partners of biological parents. In another set of countries, notably Australia, Canada, the Netherlands, and New Zealand, can male same-sex couples gain access to parental leave through surrogacy. In two countries, Colombia and New Zealand, can male same-sex couples gain access to maternity and paternity leave through surrogacy.

Male same-sex parents are eligible for adoption leave in 25 OECD countries. In some countries, such as Estonia, same-sex parents are only eligible to adopt their partner's biological children, while joint adoption is illegal. In Italy and Greece, same-sex parents are not eligible for joint adoption, but they are allowed to foster children, giving them access to adoption leave.

Table PF2.6.1: Male same-sex parental leave entitlements

	Maternity Leave	Paternity Leave	Parental and Homecare Leave	Adoption Leave	Comments
Australia	N/A	N/A	x	x	(1) All types of partners of parents can take parental leave, however, must be married or in a de facto relationship to take leave at the same time (including same-sex partners) (2) Parental leave pay can be transferred to another primary, potentially non-biological, caregiver (3) Maternity and paternity leaves fall under parental leave
Austria			x	x	(1) All types of partners of parents can take parental leave (including same-sex partners)
Belgium			x	x	(1) All types of partners of parents can take parental leave (including same-sex partners)
Canada		N/A	x	x	(1) Only legal parents can take parental leave (2) Unlike the rest of Canada, the Province of Quebec has paid paternity leave, and all surrogacy contracts are void and unenforceable.
Chile				x	
Colombia	x	x	N/A	x	
Costa Rica		N/A	N/A	x	
Czech Republic					(1) Same-sex marriage and adoption are not recognized
Denmark				x	(1) Only legal parents can take parental leave
Estonia			x		(1) Same-sex partners cannot adopt a child together, however, the step-parent in a same-sex relationship can adopt the child of their partner giving them access to parental leave (2) The partner of a parent may gain access to parental leave if they adopt the child, gain custody of the child or become the biological parent's spouse
Finland				x	
France				x	
Germany		N/A		x	
Greece				x	(1) Leave is only available for biological parents (2) Same-sex adoption is not permitted, however, same-sex couples can foster children and access adoption leave
Hungary					(1) Same sex-parents cannot marry or adopt
Iceland	N/A	N/A	x	x	(1) The custodial parent is allowed to transfer up to 12 weeks, to a non-custodial parent (including same-sex partners) (2) Maternity and Paternity leave are included under parental leave
Ireland			x	x	(1) Non-biological and non-adoptive parents in a same-sex parenting arrangement may only benefit from parental leave if they are married, civilly partnered, or cohabitating (3 years) (2) Parental leave is unpaid
Israel		N/A		x	(1) Same-sex couples are not eligible for surrogacy
Italy				x	(1) Same-sex parents are not eligible to adopt within Italy, however, they are permitted to foster (2) Same-sex parents can adopt abroad
Japan		N/A			(1) Same sex-parents cannot marry or adopt, with a few provinces offering "partnership" certificates which make same-sex unions "equivalent to marriage".
Korea					(1) Same-sex marriage is not legal, meaning parental/paternity leave is not extended to same-sex couples
Latvia					(1) Same-sex adoption is not legal
Lithuania					(1) Same-sex adoption and marriage are not legal
Luxembourg			x	x	(1) Parental leave may be requested if the child is legitimate, illegitimate, or legitimated. It may also be requested in case of an adoption procedure
Mexico			N/A		(1) Eligibility of joint adoption varies by state
Netherlands			x	x	(1) Male same-sex couples and different sex couples must have been living together for at least 3 years and they must have been caring for and raising the child for at least one year to adopt a Dutch child.

	Maternity Leave	Paternity Leave	Parental and Homecare Leave	Adoption Leave	Comments
New Zealand	x	x	x	x	(1) The birth mother may transfer any or all of the leave period to her partner/spouse, or to another person who takes permanent primary responsibility for the care, development and upbringing of a child who is under six years of age
Norway	N/A			x	(1) Only legal parents can take parental leave (2) No paid paternity leave by the government, however, most employed fathers/partners are covered by individual or collective agreements
Poland					(1) Same-sex parenthood is not recognized
Portugal				x	(1) Only legal parents can take parental leave
Slovak Republic		N/A			(1) Same-sex couples do not have the right to marriage or adoption of children
Slovenia					(1) Same-sex marriage is not recognized and adoption by same-sex parents is only legal for step-children
Spain				x	(1) Only legal parents can take parental leave (2) Parental leave is unpaid by the government
Sweden	N/A		x	x	(1) All types of partners of parents can take parental leave
Switzerland			N/A	N/A	(1) Same-sex marriage has only been legal since July 2022
Türkiye					(1) Same-sex parenthood is not recognized
United Kingdom			x	x	(1) All types of partners of parents can take parental leave (2) Parental leave is unpaid
United States	x			x	(1) Leave differs by state (2) Under the Family and Medical Leave Act (FMLA), all parents (including partners), receive 12 weeks of unpaid leave
Bulgaria					(1) Same-sex marriage and adoption are not recognized
Croatia		N/A	x		(1) Same-sex couples have the same right to parental leave in cases where they both the right to parental care over the child in accordance with the same-sex life partnership act (must be a registered life partner). (2) Same-sex couples cannot jointly adopt children
Cyprus					(1) Same-sex parenthood is not recognized
Malta			x	x	(1) Parental leave is unpaid (2) Same-sex couples can access parental and paternity leave in the public sector, but not the private sector
Romania					(1) Same-sex parenthood is not recognized

Note: Male same-sex parents are only considered eligible for maternity, paternity or parental and home care leave if access is possible outside of adoption leave. Access to adoption refers to joint adoption by male same-sex parents. Data reflect entitlements at the national or federal level only, and do not reflect regional variations or additional/alternative entitlements provided by states/provinces or local governments in some countries (e.g., Québec in Canada). 'N/A' means that there is no applicable statutory leave for any parent regardless of sexual orientation. Data refer to April 2022.

Access to female same-sex parental leave entitlements is described in Table PF2.6.2. Across all OECD countries, female same-sex couples have access to significantly more parental leave entitlements than male same-sex couples. Since maternity leave is offered to all women, all biological mothers in a same-sex couple have access to maternity leave, with the exception of Australia, Iceland, Sweden and Norway where a maternity leave equivalent is included under parental and/or home care leave. Out of all OECD countries, 17 give access to paternity leave for female same-sex parents. Moreover, some countries have adopted gender-neutral language for paternity leave programmes (including Iceland, Portugal and Sweden). In 22 out of 38 countries, female same-sex parents have access to parental and/or home care leave. Certain states have specific policies regulating the access of female same-sex parents to paternity or maternity leave. For example, in Finland, the female partner of a biological mother must be in a registered partnership, married, or cohabiting with the biological mother to benefit from paternity or parental and/or home care leave.

Female same-sex parents are eligible for adoption leave in 25 countries (same as for male same-sex parents). In the Netherlands, where parents looking to adopt usually need to have been living together for 3 years and living with the child in question for one year, there is an exception for female partners of a biological mother. The non-biological mother in a female same-sex couple may adopt a Dutch child before or after birth.

Table PF2.6.2: Female same-sex parental leave entitlements

	Maternity Leave	Paternity Leave	Parental and Homecare Leave	Adoption Leave	Comments
Australia	N/A	N/A	x	x	(1) All types of partners of parents can take parental leave, however, must be married or in a de facto relationship to take leave at the same time (including same-sex partners) (2) Parental leave pay can be transferred to another primary, potentially non-biological, caregiver (3) Maternity leave falls under parental leave
Austria	x		x	x	(1) All types of partners of parents can take parental leave (including same-sex partners)
Belgium	x	x	x	x	(1) All types of partners of parents can take parental leave (including same-sex partners)
Canada	x	N/A	x	x	(1) Only legal parents can take parental leave
Chile	x	x	x	x	
Colombia	x	x	N/A	x	
Costa Rica	x	N/A	N/A	x	
Czech Republic	x				(1) Same-sex marriage and adoption are not recognized
Denmark	x	x	x	x	(1) Only legal parents can take parental leave
Estonia	x		x		(1) Same-sex partners cannot adopt a child together, however, the step-parent in a same-sex relationship can adopt the child of their biological parent partner giving them access to parental leave (2) The partner of a parent may gain access to parental leave if they adopt the child, gain custody of the child or become the biological parent's spouse
Finland	x	x	x	x	(1) The female partner (non-biological mother) must be in a registered partnership, married or cohabiting with the biological mother to benefit from paternity or parental leave
France	x	x	x	x	
Germany	x	N/A	x	x	
Greece	x			x	(1) Leave is only available for biological parents (2) Same-sex adoption is not permitted, however, same-sex couples can foster children and get access to adoption leave
Hungary	x				(1) Same sex-parents cannot marry or adopt
Iceland	N/A	N/A	x	x	(1) The custodial parent is allowed to transfer up to 12 weeks, to a non-custodial parent (including same-sex partners) (2) Maternity and Paternity leave are included under parental leave
Ireland	x	x	x	x	(1) Non-biological and non-adoptive parents in a same-sex parenting arrangement may only benefit from parental leave if they are married, civilly partnered, or co-habituating (3 years) (2) Parental leave is unpaid
Israel	x	N/A	x	x	(1) parental leave is unpaid (2) Only the biological mother has access to maternity leave
Italy	x		x	x	(1) Same-sex parents are not eligible to adopt within Italy, however, they are permitted to foster (2) Same-sex parents can adopt abroad
Japan	x		N/A		(1) Same sex-parents cannot marry or adopt, with a few provinces offering "partnership" certificates which make same-sex unions "equivalent to marriage".
Korea	x				(1) Same-sex marriage is not legal, meaning parental/paternity leave is not extended to same-sex couples
Latvia	x	?	?		(1) Same-sex adoption is not legal (2) Same-sex partnerships of women can get access to IVF and assisted insemination treatment, however, no specific provisions in Latvian law on same-sex women taking paternity/parental leave
Lithuania	x				(1) Same-sex adoption and marriage are not legal
Luxembourg	x	x	x	x	(1) Parental leave may be requested if the child is legitimate, illegitimate, or legitimated. It may also be requested in case of an adoption procedure

	Maternity Leave	Paternity Leave	Parental and Homecare Leave	Adoption Leave	Comments
Mexico	x	x	N/A		(1) Eligibility of joint adoption varies by state
Netherlands	x	x	x	x	(1) A woman in a same-sex relationship can adopt her partner's child before or after birth
New Zealand	x	x	x	x	(1) The birth mother may transfer any or all of the leave period to her partner/spouse, or to another person who takes permanent primary responsibility for the care, development and upbringing of a child who is under six years of age
Norway	N/A	x	x	x	(1) Only legal parents can take parental leave (2) No paid paternity leave by the government, however, most employed fathers/partners are covered by individual or collective agreements
Poland	x				(1) Same-sex parenthood is not recognized
Portugal	x	x	x	x	(1) Only legal parents can take parental leave
Slovak Republic	x	N/A			(1) Same-sex couples do not have the right to marriage or adoption of children
Slovenia	x	x			(1) Non-biological parents of a child can only take paternity leave if the biological father chooses not to (2) Same-sex marriage is not recognized and adoption by same-sex parents is only legal for step-children
Spain	x	x	x	x	(1) Only legal parents can take parental leave (2) Parental leave is unpaid by the government
Sweden	N/A	x	x	x	(1) All types of partners of parents can take parental leave
Switzerland	x		N/A	N/A	(1) Same-sex marriage has only been legal since July 2022
Türkiye	x				(1) Same-sex parenthood is not recognized
United Kingdom	x	x	x	x	(1) All types of partners of parents can take parental leave (2) parental leave is unpaid
United States	x			x	(1) Leave differs by state (2) Under the Family and Medical Leave Act (FMLA), all parents (including partners), receive 12 weeks of unpaid leave
Bulgaria	x				(1) Same-sex marriage and adoption are not recognized
Croatia	x	N/A	x		(1) Same-sex couples have the same right to parental leave in cases where they both the right to parental care over the child in accordance with the same-sex life partnership act (must be a registered life partner). (2) Same-sex couples cannot jointly adopt children
Cyprus	x				(1) Same-sex parenthood is not recognized
Malta	x	x	x	x	(1) Parental leave is unpaid (2) Same-sex couples can access parental and paternity leave in the public sector, but not the private sector
Romania	x				(1) Same-sex parenthood is not recognized

Note: Female same-sex parents are only considered eligible for maternity, paternity or parental and home care leave if access is possible outside of adoption leave. Access to adoption refers to joint adoption by female same-sex parents. Data reflect entitlements at the national or federal level only, and do not reflect regional variations or additional/alternative entitlements provided by states/provinces or local governments in some countries (e.g., Québec in Canada). N/A means that there is no applicable statutory leave for any parent regardless of sexual orientation. Data refer to April 2022.

Access to adoption leave entitlements is described in table PF2.6.3. All OECD countries offer a form of adoption leave, with the exception of Switzerland where there is no federal statutory entitlement. Out of all OECD countries, 27 countries offer an adoption leave package made up of either maternity, paternity or parental and home care leave, or a combination of them, while four countries have specific leave entitlements unique to adoptive parents. In seven countries, adoptive parents have access to a unique adoption leave entitlement, while also still being eligible for either maternity, paternity or parental and home care leave. Certain countries have regulations based on family composition. For example, single parents are not permitted to adopt in Hungary, while adoptive parents must be married in Japan, Korea and Luxembourg. Leave entitlements are also usually contingent on the adoptive child being under a certain age. For example, in Israel, the adopted child must be under 14 years of age to benefit from adoption leave.

Table PF2.6.3: Adoption leave entitlements

	Maternity Leave	Paternity Leave	Parental and Homecare Leave	Special leave for adoption	Comments
Australia	N/A		x		(1) Adopted child must be under 16 years old to benefit from parental leave
Austria			x		
Belgium			x	x	(1) Special leave for adoption is six weeks if child is under 18 (one week mandatory). Possible for extension if you are adopting alone (1 week), you are adopting with a partner (one parent can extend by one week), you are adopting a child with a handicap (6 weeks) and if you are adopting more than one child at the same time (2 weeks). (2) First 3 days of adoption leave are paid by the employer at 100% of usual salary, and the rest is paid by a "mutuelle" at 82% of the usual salary
Canada		N/A	x		
Chile	x	x	N/A		(1) Parents that adopt a child are entitled to the same leave as biological parents (2) If the adopted child is over six months of age, the mother is only able to use the first part of maternity leave
Colombia	x	x			
Costa Rica		N/A	N/A	x	(1) Adoption leave is three months
Czech Republic			x		
Denmark			x		
Estonia			x	x	(1) Adoptive parents receive 70 days of adoption leave per child under the age of 10 at 100% of average earnings, with no upper limit (2) Adoptive parents also qualify for parental leave
Finland				x	(1) Adoptive parents of a child (under 18 years of age) are eligible for Parental leave of 233 working days starting from the day the child comes to their care, provided that the parent presents a certificate given by the adoption agency. (2) Adoptive parents are entitled to Home-care allowance for a period which ends two years after the Parental leave period started.
France			x		
Germany		N/A	x		
Greece			x		(1) The adopted child must be less than 6 years old
Hungary	x	x	x		(1) Single parents are not permitted to adopt
Iceland	N/A	N/A	x		(1) The adopted child must be less than 8 years old
Ireland		x	x	x	(1) Adopting mothers or sole male adopters of children, or the nominated parent in a same-sex couple receive 49 weeks of leave (24 weeks paid, 16 weeks unpaid) if the child is under 8 years of age. (2) If the child is under three years of age at the time of the adoption, unpaid parental leave can be taken before the child reaches five years of age. However, if the child is aged between three and eight years at the time of adoption, the leave must be taken within two years of the adoption order (3) Adopting parents are also eligible for paternity leave (for the parent who did not benefit from adoption leave) and the parent's leave and benefit
Israel	x	N/A			(1) The adopted child must be under 14 years of age for the adoptive parents to receive maternity leave
Italy	x	x	x		(1) Paternity and Maternity leave must be taken within 5 months of the child entering the family. (2) Parental leave must be taken within 8 years of the child entering the family but not after their eighteenth birthday. Payment is 100% of earnings for the first 30 days and 30% for the subsequent five months
Japan		N/A	x		(1) Parents must be married to adopt a child (2) Parents who adopt a child under the age of six whose relationship with their biological parents is ended through adoption have the same right as biological parents to parental leave
Korea			x		(1) Parents must be married to adopt a child
Latvia		x	x	x	(1) One adoptive parent receives 10 calendar days of leave if the adopted child is under 18 years of age.
Lithuania	x		x		(1) Parents are entitled to maternity leave if they adopt or foster a newborn baby (before the child becomes 70 days of age)

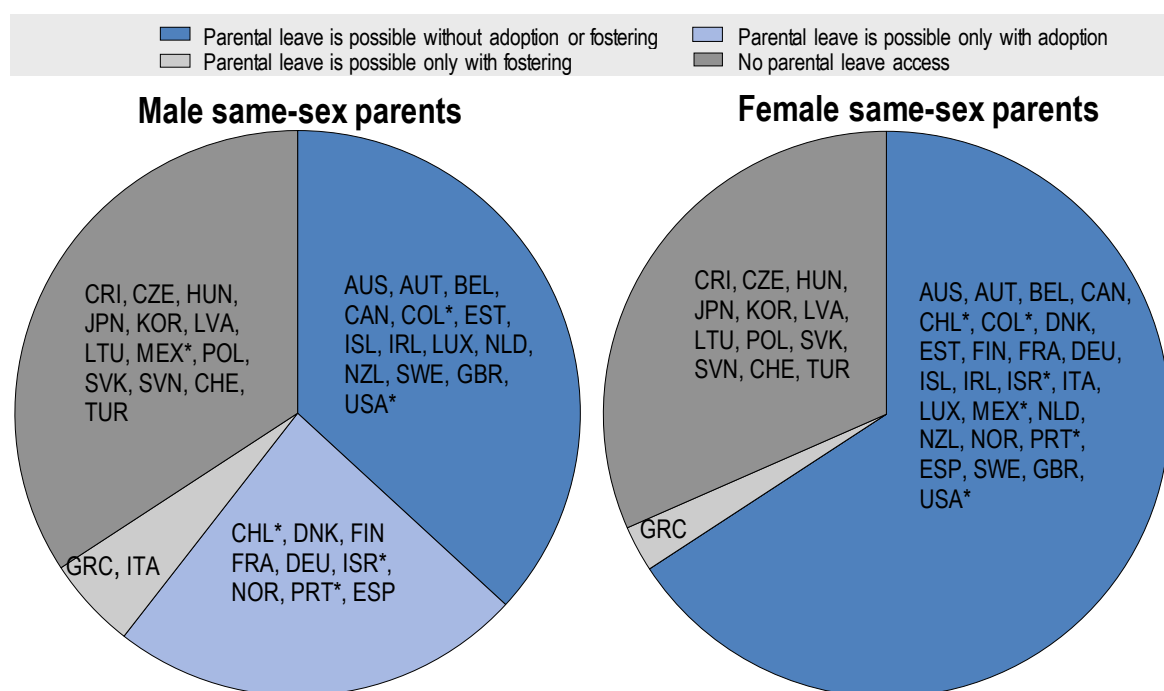
	Maternity Leave	Paternity Leave	Parental and Homecare Leave	Special leave for adoption	Comments
Luxembourg				x	(1) Must be married to adopt in Luxembourg (2) Adoptive parents receive 12 weeks at 100% of earnings up to a limit equal to five times the minimum social wage of an unqualified worker in Luxembourg. Only applies if the child has not yet turned 12 years of age. Only one spouse can take this leave. If the child is above 12 but less than 16, the benefit is 10 days.
Mexico			N/A	x	(1) The adoptive mother is entitled to six weeks of paid leave, from the day that she receives the child, the father (or partner) is entitled to five working days
Netherlands			x	x	(1) Each parent is entitled to six weeks' leave when a child is adopted (or placed for long-term fostering) with payment equivalent to maternity leave. Leave can be used flexibly over a period of 26 weeks (four weeks before the child is placed and 22 weeks after), as long as it does not conflict with business needs
New Zealand	x	x	x		(1) Eligible spouses/partners who are jointly adopting a child under the age of six years can nominate which parent will receive the payment
Norway	N/A	x	x		(1) Adoptive parents receive the same regulations as for biological parents, except for the three weeks of leave reserved for mothers before birth (2) Parents adopting from abroad can choose when to start the parental leave (3) Parents adopting children from abroad who are not eligible for parental leave receive a cash benefit of NOK90,300.
Poland	x	x	x		(1) Parental leave is paid if the child is seven years old or younger (although exceptions are possible for children up to the age of 10)
Portugal	x	x			
Slovak Republic	x	N/A	x		(1) Adoptive parents can benefit from maternity leave until the child reaches the age of three (2) Parental leave is available until the child years ten years of age
Slovenia			x		(1) Parental leave must begin within 15 days of the adopted child's placement in the family or on announcement of adoption
Spain	x	x	x		(1) The adopted child must be under 6 years of age, or have additional needs (disabilities, international adoptions etc.) to be eligible for the same leave as biological parents
Sweden	N/A	x	x	x	(1) cohabiting adoptive parents get five days each of leave at the time of adoption (or one person may take 10 days) (2) Benefits are conditional on the child being under 10 years of age at their adoption (or 12 years if the child was adopted from 2014 onwards)
Switzerland			N/A	N/A	(1) No statutory federal entitlement
Türkiye	x				(1) The adopted child must be under 3 years of age to benefit from maternity leave
United Kingdom		x		x	(1) One adoptive parent is eligible for 52 weeks of adoption leave, paid at 90% of the main adopter's average earnings for six weeks with no ceiling, then a flat rate payment of either GBP151.97, or 90% of average gross weekly earnings (whichever is lower) for the next 33 weeks. The last 13 weeks are unpaid. (2) An adoptive parent not taking adoption leave is eligible for paternity leave
United States	x				(1) Adoption leave differs by state (2) Under the Family and Medical Leave Act (FMLA), adoptive parents (including partners) receive 12 weeks of unpaid leave
Bulgaria				x	(1) Adoptive parents receive 365 days of leave if the child is less than 5 years old. An allowance is paid by the National Social Security Institute for the period of the leave at 90% of average gross monthly earnings
Croatia		N/A		x	(1) Employed adoptive parents can take adoption leave for six months for a child under 18 (with the same benefits as maternity leave). Only one parent may take this leave (2) Unemployed parents can take 12 months. Only one parent may take this leave.
Cyprus				x	(1) Adoption leave is unpaid (2) Adoption leave is 16 weeks if the child is under 12 years old, and 18 weeks for mothers who have a child through a surrogate mother (the surrogate mother gets 14 weeks)

	Maternity Leave	Paternity Leave	Parental and Homecare Leave	Special leave for adoption	Comments
Malta		x	x	x	(1) In the public sector, adoptive parents have access to unpaid parental leave and maternal leave. (2) In the private sector, adoptive parents receive 4 months of unpaid leave (if the child is less than 8 years of age), which may be used in blocks of one month..
Romania			x	x	(1) Adoptive parents can choose between adoption leave or parental leave. Parental leave lasts until a child reaches 2 years of age, while adoption leave lasts for a year and is not conditioned on the child's age. The benefit is the same as the parental benefit for biological parents in both cases

Note: Data reflect access to adoption leave at the national or federal level only, and do not reflect regional variations or additional/alternative entitlements provided by states/provinces or local governments in some countries (e.g., Osaka in Japan). N/A means that there is no applicable statutory leave for any parent regardless of sexual orientation. Data refer to April 2022.

Information from Tables PF2.6.1, PF2.6.2 and PF2.6.3 is synthesised in Chart PF2.6.1 below. For Chile, Colombia, Mexico, Portugal and the United States the figure measures entitlements to maternity and paternity leave since parental leave is not available in these countries. Importantly, and in contrast to Tables PF2.6.1 to PF2.6.3, the figure also groups parental and adoption leave to allow for a concise overview of entitlements for same-sex parents.

Chart PF2.6.1: Access to parental leave by gender for same-sex parents



Note: Data reflect entitlements at the national or federal level only, and do not reflect regional variations or additional/alternative entitlements provided by states/provinces or local governments in some countries (e.g. Québec in Canada). Chile, Colombia, Mexico and Portugal are evaluated based on both maternity and paternity leave rather than parental leave. Israel is evaluated based on maternity leave. The United States is evaluated based on the Family and Medical Leave Act. Data refer to April 2022.

Access to surrogacy is described in Table PF2.6.4. In most OECD countries, surrogacy arrangements are not enforceable by law. In 18 countries, surrogacy, both commercial and altruistic, is explicitly banned. Moreover, in eight countries, there is no well-defined legal framework dealing with surrogacy, making surrogacy arrangements void and unenforceable, although the practice is not explicitly banned. However, in these countries, the surrogate mother would still be the legal mother of the child, and the parents using a surrogate would have to go through traditional adoption while having no guarantee that the surrogate mother would still be willing to give away the child.

In 11 countries, altruistic surrogacy is legal, while in four countries both commercial and altruistic surrogacy are legal. In Norway, only traditional altruistic surrogacy is legal, while in Mexico, the laws on surrogacy are ambiguous. In addition, laws differ by state in Australia and the United-States. In two countries, Israel and Greece, surrogacy arrangements are only available for different-sex couples.

Table PF2.6.4: Access to surrogacy

	Commercial Surrogacy	Altruistic Surrogacy	Comments
Australia		x	Altruistic surrogacy is legal in most states
Austria			Surrogacy is banned for all
Belgium			Surrogacy arrangements are void and unenforceable
Canada		x	Altruistic surrogacy is legal (excluding the province of Quebec)
Chile			There are no laws surrounding surrogacy
Colombia	x	x	
Costa Rica			No definitive laws on surrogacy
Czech Republic			Surrogacy arrangements are void and unenforceable
Denmark		x	Only traditional altruistic surrogacy is legal
Estonia			Surrogacy is banned for all
Finland			Surrogacy is banned for all
France			Surrogacy is banned for all
Germany			Surrogacy is banned for all
Greece		x	Altruistic Surrogacy is only available for heterosexual couples and single women
Hungary			Surrogacy is banned for all
Iceland			Surrogacy is banned for all
Ireland			Surrogacy arrangements are void and unenforceable
Israel	x	x	Same-sex couples are not eligible for surrogacy. Surrogacy is strictly regulated and only offered for individuals who are unable to have children through other means.
Italy			Surrogacy is banned for all
Japan			No definitive laws on surrogacy
Korea			Neither statutes nor regulations address surrogacy
Latvia			No definitive laws on surrogacy
Lithuania			Surrogacy is banned for all
Luxembourg			Surrogacy is not regulated
Mexico	x	x	Laws on surrogacy are ambiguous but it is practiced
Netherlands		x	Altruistic surrogacy is legal but with several restrictions
New Zealand		x	
Norway			Surrogacy is banned for all
Poland			Surrogacy is banned for all
Portugal			Surrogacy is banned for all
Slovak Republic			Surrogacy is banned for all
Slovenia			Surrogacy is banned for all
Spain			Surrogacy is banned for all
Sweden			Surrogacy is banned for all, however, recognition of surrogacy performed abroad is possible
Switzerland			Surrogacy is banned for all
Türkiye			Surrogacy is banned for all
United Kingdom		x	

United States	x	x	The legality of altruistic and commercial surrogacy differs by state
Bulgaria			Surrogacy is banned for all
Croatia			Surrogacy is banned for all
Cyprus			Surrogacy is banned for same-sex couples
Malta			Surrogacy is banned for all
Romania			Surrogacy is not regulated

Note: Data reflect access to surrogacy at the national or federal level only, and do not reflect regional variations provided by states/provinces or local governments in some countries (e.g. Québec in Canada). Data do not include international surrogacy. Data refer to April 2022.

Comparability and data issues

Several issues complicate international comparisons of leave systems and access to surrogacy:

- State and local governments can provide alternative entitlements and additional financial support for parents on leave. This is the case in several states of the United States (e.g., California), for example, and in the province of Québec in Canada, which unlike the rest of Canada provides fathers with a statutory paid paternity leave. Such local variations are not included here, and stated provisions reflect only those that are statutory entitlements at the national or federal level. Similarly, some countries have differing rules for the recognition of same-sex parenthood, such as in Osaka in Japan, where same-sex parents are eligible to become foster parents. Access to surrogacy may also depend on state and local governments, such as in Australia.
- Comparisons of statutory leave entitlements do not capture cross-national variations in take up of the various policies. In some countries, societal norms and culture may act as an effective barrier to take up for some parents. For example, in countries such as Costa Rica and Austria, where same-sex marriage was only legalized in 2020 and 2019 respectively, negative attitudes toward same-sex parenthood may prevent same-sex partners from having children or benefiting from statutory leave entitlements.
- Access to leave benefits does not provide information on the number of weeks available to same-sex families. Although no OECD country explicitly provides fewer weeks of parental leave entitlements to same-sex parents than different-sex parents when same-sex parenthood is recognized, the length of leave and the value of benefits may influence the availability to parenthood for same-sex parents.
- Access to adoption leave does not consider the complexity and length of adoption procedures. Same-sex partners may face discrimination in adoption procedures, even where it is legalized, which may make it both more difficult and more lengthy to adopt a child. Since many countries make adoption leave conditional on the age of the adopted child, this may prevent access to parental leave entitlements for same-sex parents.
- Laws, or lack thereof, on international adoption and surrogacy may complicate the comparison of access to parental leave entitlements. For example, in Sweden, surrogacy is banned in the healthcare sector, but it is possible to gain recognition of surrogacy performed in the United States. In addition, many countries lack a sufficient legal framework dealing with international adoption and surrogacy, meaning that these processes are dealt with on a case-by-case basis.
- Lastly, in many countries, access to parental leave entitlements is unclear for parents who do not consider themselves to be part of a same-sex or different-sex partnership. Although some countries use gender-neutral language (such as Iceland and Portugal), the gender specific-language used in most OECD countries leaves uncertainty for individuals who do not conform to the gender binary.

Sources and further reading:

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