

# WOMEN, BUSINESS AND THE LAW 2016



GETTING TO  
**EQUAL**

KEY FINDINGS

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# WOMEN, BUSINESS AND THE LAW 2016



## KEY FINDINGS



WORLD BANK GROUP



# 1. Key Findings

## Highlights from *Women, Business and the Law 2016*

- Legal gender differences are widespread: 155 of the 173 economies covered have at least one law impeding women's economic opportunities.
- The total number of legal gender differences across 173 economies is 943.
- In 100 economies, women face gender-based job restrictions.
- 46 of the economies covered have no laws specifically protecting women from domestic violence.
- In 18 economies, husbands can legally prevent their wives from working.
- Lower legal gender equality is associated with fewer girls attending secondary school relative to boys, fewer women working or running businesses and a wider gender wage gap.
- Over the past two years, 65 economies carried out 94 reforms increasing women's economic opportunities.

## What's new in this edition?

Since 2009, *Women, Business and the Law* has collected data about legal restrictions on women's entrepreneurship and employment in order to inform policy discussions and promote research on the linkages between the law and women's economic opportunities. *Women, Business and the Law 2016: Getting to Equal* is the fourth in the series.

The data focus on seven indicators: accessing institutions, using property, getting a job, providing incentives to work, going

to court, building credit and protecting women from violence. New areas covered within these indicators include legislation on issues such as nondiscrimination in access to credit, care leave for sick relatives, the legal age of marriage and protection orders for victims of domestic violence.

This edition covers 173 economies, including 30 economies that were not previously covered: Afghanistan, Antigua and Barbuda, The Bahamas, Bahrain, Barbados, Belize, Bhutan, Brunei Darussalam, Djibouti, Dominica, Equatorial Guinea, Grenada, Guyana, Iraq, Luxembourg, Maldives, Malta, Myanmar, Qatar, São Tomé and Príncipe, Seychelles, South Sudan, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname, Swaziland, Timor-Leste, Tonga and Trinidad and Tobago.

The previous edition of *Women, Business and the Law* found that 90% of economies measured had at least one law impeding women's economic opportunities. This still holds true, even though this edition covers over 20% more economies.

However, over the past two years, 65 economies achieved 94 reforms increasing women's economic opportunities. Most of these reforms took place in developing economies, with 19 in Europe and Central Asia, 18 in Sub-Saharan Africa, and 16 in Latin America and the Caribbean. Economies in the Middle East and North Africa had 12 reforms, and those in East Asia and the Pacific had 11 reforms. The fewest reforms—3—were in South Asia.

*Women, Business and the Law 2016* finds that lower legal gender equality is associated with fewer girls attending secondary school relative to boys, fewer women working or running businesses, and a wider gender wage gap. Where laws do not provide protection from domestic violence, women are likely to have shorter life spans. But where governments support child-care, women are more likely to receive wages.

## How common are gender differences in laws?

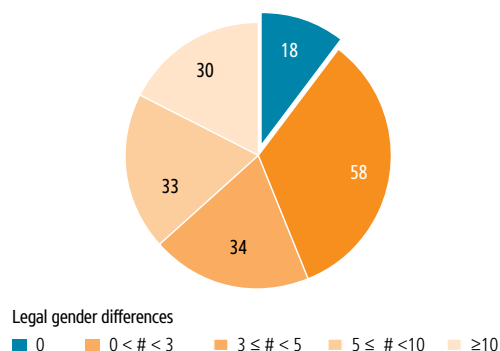
*Women, Business and the Law* measures legal restrictions on women's employment and entrepreneurship by identifying gender-based legal differences. The dataset has captured 21 differences in policies for unmarried women and 26 for married women that affect women's economic opportunities, for a total of 47 differences across five indicators (box 1.1).

Of the 173 economies covered by *Women, Business and the Law*, 155 maintain at least one barrier for women seeking opportunities that does not exist for men; on this simple measure (figure 1.1), the majority of economies have at least one legal gender difference.

The 30 economies with ten or more legal differences are in the Middle East and North Africa (18), Sub-Saharan Africa (8), East Asia and the Pacific (2) and South Asia (2).

The 18 economies with no legal differences between women and men in the areas measured are Armenia; Canada; the Dominican Republic; Estonia; Hungary; Kosovo; Malta; Mexico; Namibia; the Netherlands; New Zealand; Peru; Puerto Rico, territory of the United States; Serbia; the Slovak Republic; South Africa; Spain and Taiwan, China (figure 1.2).

**FIGURE 1.1** MOST ECONOMIES HAVE AT LEAST ONE LEGAL GENDER DIFFERENCE



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

### Why were these areas chosen?

Of all the questions covered by *Women, Business and the Law*, only 47 are included in the measure of legal gender differences. Twenty-two questions contain explicit gender-based differences. Three questions pertain to constitutional rights: the absence of a nondiscrimination clause in the constitution with gender as a protected category, the validity of customary law even if it is contrary to constitutional nondiscrimination and

### BOX 1.1 LEGAL DIFFERENCES FOR MARRIED AND UNMARRIED WOMEN

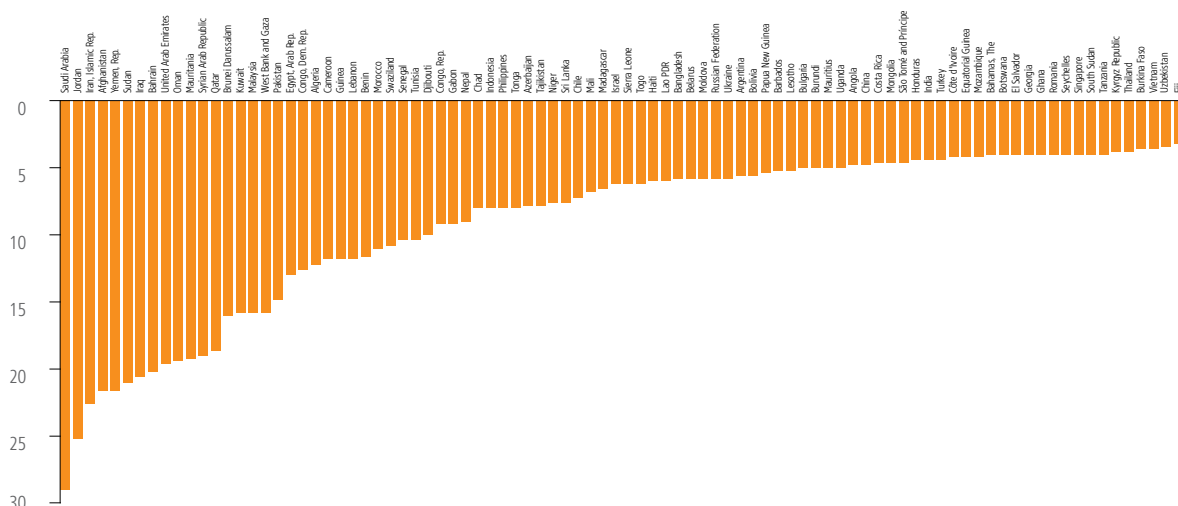
*Women, Business and the Law* examines differences by comparing men and women that have the same marital status in the following 21 areas:

1. Applying for a passport
2. Traveling outside the home
3. Traveling outside the country
4. Getting a job or pursuing a trade or profession without permission
5. Signing a contract
6. Registering a business
7. Being "head of household" or "head of family"
8. Conferring citizenship to their children
9. Opening a bank account
10. Choosing where to live
11. Obtaining a national identity card
12. Having ownership rights over property
13. Having inheritance rights over property
14. Working the same night hours
15. Doing the same jobs
16. Enjoying the same statutory retirement age
17. Enjoying the same tax deductions or credits
18. Having their testimony carry the same evidentiary weight in court
19. Having a gender or sex nondiscrimination clause in the constitution
20. Applying customary law if it violates the constitution
21. Applying personal law if it violates the constitution

The dataset also captures five other areas that apply only to married women:

22. Being legally required to obey their husbands
23. Being able to convey citizenship to a non-national husband
24. Administering marital property
25. Having legal recognition for nonmonetary contributions to marital property
26. Having inheritance rights to the property of their deceased husbands

**FIGURE 1.2** NUMBER OF LEGAL GENDER DIFFERENCES, BY ECONOMY



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

equality and the validity of personal law even if it is contrary to constitutional nondiscrimination and equality. These questions were selected because of the importance for gender equality of specific constitutional protections on nondiscrimination and on the assumption that customary and personal laws might include gender-based legal differences. One question pertains to the absence of legal recognition for nonmonetary contributions to marital property. This question was selected on the assumption that women are more likely to perform activities that benefit the household but are not paid, such as childcare.

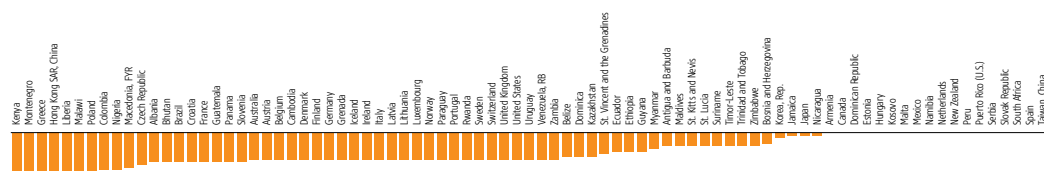
The measure of legal gender differences is constructed by summing the restrictions on married and unmarried women: 5 that apply only to married women are counted once and 21 that apply to both married and unmarried women are counted twice, for a total of 47 restrictions. For example, only married women can be legally required to obey their husbands, while both married and unmarried women may be prohibited from working in certain jobs. The measure of legal gender differences can sum to a whole number or a decimal for any economy because the question on job restrictions has ten sub-questions that examine specific restrictions on women’s work. Each sub-question thus has a value of one-tenth. This represents the only difference in the construction of the measure from the 2014 edition of the *Women, Business and the Law* report. Previously, the question on job restrictions had 8 sub-questions each equal to one-eighth.

These categories of questions were not included in this measure of gender legal differences: (1) questions that are not gender-differentiated but may disproportionately affect women, such as credit reporting rules; (2) questions describing gender-neutral legal frameworks, for example, marital property regimes; and (3) questions from the protecting women from violence indicator, such as whether there are legal protections for victims of domestic violence.

The questions are not weighted by their importance to women or by the number of women affected. For example, prohibitions on women working in mines can affect women more intensely where mining is a major industry but would matter less in economies where it is not. In contrast, requirements that married women get their husbands’ permission to travel outside the home affect all married women.

### Why do these gender differences matter?

Equality of opportunity allows women to make the choices that are best for them, their families and their communities. However, opportunities for women are not equal where legal gender differences are prevalent. Such restrictions constrain women’s ability to make economic decisions in a variety of ways, and can have far-reaching consequences. Moreover, they are associated with real economic outcomes. For example, families may decide it does not make sense for girls to continue with school where their employment prospects—and therefore



their earning potential—are more limited. Where resources are limited, families may choose to send boys to school instead of girls.<sup>1</sup>

Disparities in outcomes can persist throughout a woman's life: where there are more legal gender differences, not only is she less likely to go to secondary school, she is also less likely to be employed or run a business, and if she does manage to do either she is likely to earn less than a man would (figure 1.3).

Having laws on the books is not the only thing that matters. In many economies a more gender-equitable legislative base may coexist with high gender inequality resulting from poor implementation of the laws, whether due to poor enforcement, poor design, or low capacity. Thus for women, laws on paper do not necessarily reflect legal realities. Good mechanisms for implementing and adequate budgetary commitments for enforcing laws also matter. However, better rule of law is associated with having more gender equal laws on the books (figure 1.4).

### *The benefits of reform*

Empowering women legally may have similar effects to empowering them politically, allowing them to better reflect their preferences in decision-making.

Moreover, there is evidence that after women were granted the right to vote, legislative decisions differed in such areas as child welfare and spending on public health. This may be

because elected officials better incorporated women's preferences within their legislative agendas once women became a significant part of the electorate. For example, a study examining state voting rights for women in the United States found that within a year of voting rights being granted to women, voting patterns shifted to incorporate greater local public health spending by about 35%. This allowed for greater emphasis on local public health campaigns for issues such as hygiene, leading to a decrease in infectious childhood diseases and a decline in childhood mortality of about 8–15%.<sup>2</sup>

Reducing gender-based legal restrictions and promoting the use of women's talent in the labor force allows women to choose the opportunities which are best for them, their families and their communities.

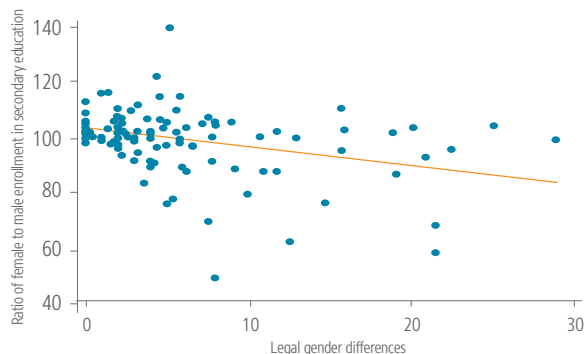
## Where are relationships between women and the law changing?

Since 2010, when *Women, Business and the Law* first published a baseline of gender legal differences affecting women's economic opportunities and started measuring reforms, the pace of reform has either remained relatively constant or has been increasing (figure 1.5).

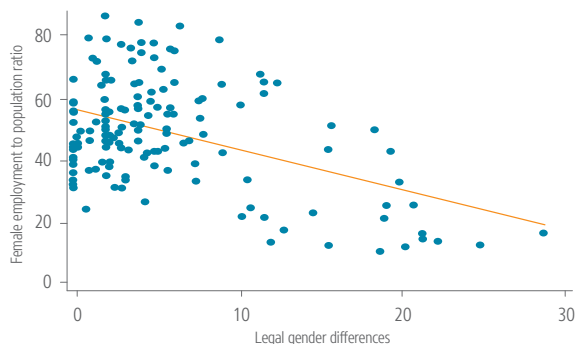
The region with the fewest reforms over time is South Asia. While economies in South Asia have introduced quotas to

**FIGURE 1.3**

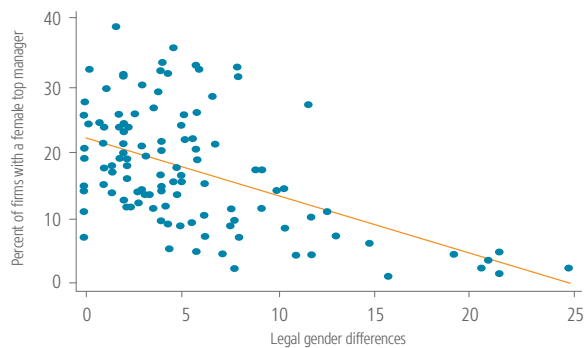
**GREATER LEGAL GENDER INEQUALITY IS ASSOCIATED WITH FEWER GIRLS ATTENDING SECONDARY SCHOOL RELATIVE TO BOYS, FEWER WOMEN WORKING OR RUNNING BUSINESSES, AND A HIGHER GENDER WAGE GAP**



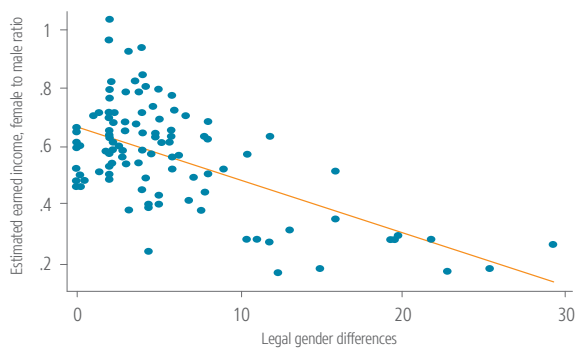
The negative relationship between the number of legal gender differences and the ratio of female to male enrollment in secondary education (2012) is statistically significant at the 1% level after controlling for 2014 GNI per capita. The regression analysis is based on 96 economies for which data are available. The regression results remain statistically significant at the 1% level even after controlling for the proportion of seats held by women in national parliaments (2014). This statistical relationship should not be interpreted as causal.



The negative relationship between the number of legal gender differences and the percentage of women employed to the population (age 15+) (2013) is statistically significant at the 1% level after controlling for 2014 GNI per capita. The regression analysis is based on 132 economies for which data are available. The regression results remain statistically significant at the 1% level even after controlling for the proportion of seats held by women in national parliaments (2014) and the ratio of female to male enrollment in secondary education (2012). This statistical relationship should not be interpreted as causal.



The negative relationship between legal gender differences and the percent of firms that have a female top manager is statistically significant at the 1% level after controlling for 2014 GNI per capita. The analysis is based on 106 economies for which data are available. The regression results remain statistically significant at the 1% level even after controlling for the proportion of seats held by women in national parliaments (2014) and the ratio of female to male enrollment in secondary education (2012). This statistical relationship should not be interpreted as causal.

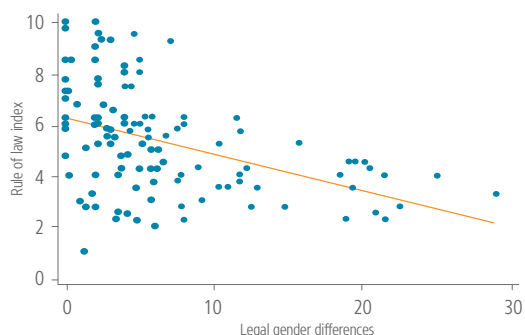


The negative relationship between the number of legal gender differences and the female to male ratio of estimated earned income (2014) is statistically significant at the 1% level after controlling for 2014 GNI per capita. The regression analysis is based on 106 economies for which data are available. The regression results remain statistically significant at the 1% level even after controlling for the proportion of seats held by women in national parliaments (2014) and the ratio of female to male enrollment in secondary education (2012). This statistical relationship should not be interpreted as causal.

Source: *Women, Business and the Law*, World Development Indicators and Enterprise Surveys databases; World Economic Forum *Global Gender Gap Report 2014* (Table E3, p. 66).



**FIGURE 1.4** IMPROVED RULE OF LAW IS ASSOCIATED WITH FEWER LEGAL GENDER DIFFERENCES



Source: *Women, Business and the Law*, World Development Indicators and Quality of Government Institute databases.

Note: The negative relationship between legal gender differences and the rule of law index (2012) (including: to what extent is there a working separation of powers; to what extent does an independent judiciary exist; to what extent are public office holders who abuse their positions prosecuted or penalized; to what extent are civil rights guaranteed and protected; and to what extent can citizens redress for violations of these rights?) is statistically significant at the 1% level after controlling for 2014 GNI per capita. The analysis is based on 106 economies for which data are available. The regression results remain statistically significant at the 1% level even after controlling for the proportion of seats held by women in national parliaments (2014) and the ratio of female to male enrollment in secondary education (2012). This statistical relationship should not be interpreted as causal.

increase women's representation and enacted legislation protecting women from violence, they have shown little reform in the economic domains measured by *Women, Business and the Law* over time.

In the most recent two-year period (ending in April 2015) 65 economies made 94 reforms increasing gender parity (table 1.1). Getting a job had the most reforms with 26, followed by protecting women from violence with 23, and accessing institutions with 18. Nine economies reformed in building credit, 7 in providing incentives to work and in going to court, and 4 in using property. Reform descriptions can be found in the Summaries of *Women, Business and the Law* Reforms section of this report.

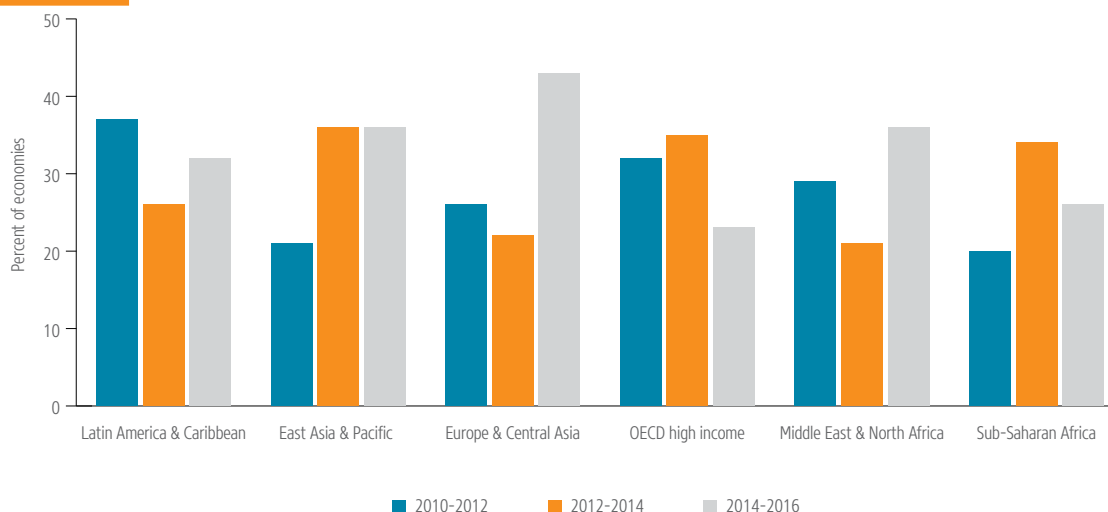
The following sections examine new data and regional trends in each of the *Women, Business and the Law* indicators.

### Accessing institutions

*Women, Business and the Law's* accessing institutions indicator explores women's legal ability to interact with public authorities and the private sector just as men do, by examining both legal capacity and rights, as well as quotas for the public and private sector.

Women's access to public education, health care and social benefits, such as those for low-income households, depend on

**FIGURE 1.5** PERCENTAGE OF ECONOMIES THAT REFORMED IN AT LEAST ONE INDICATOR, BY REGION



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

Note: The analysis is based on the list of questions and the 141 economies examined in the *Women, Business and the Law* 2012 cycle, which was back calculated to 2010. Questions added to the dataset after the 2012 cycle, for example, on quotas or laws protecting women from violence are not considered here. Chile and Hungary are categorized as OECD high income in all three time intervals. South Asia is the only region with no reforms recorded during the three periods.

**TABLE 1.1 CHANGES INCREASING GENDER PARITY OVER THE PAST TWO YEARS**

Indicator	Changes increasing gender parity
Accessing institutions	Chile; Congo, Rep.; Egypt, Arab Rep.; Fiji; Germany; Haiti; India; Mexico; Nicaragua; Niger; Norway; Pakistan; Saudi Arabia; Senegal; Sudan; Suriname; Togo; Tunisia
Using property	Croatia; Hungary; Kenya; Nicaragua
Getting a job	Albania; Belarus; Croatia; Georgia; Guinea; Hong Kong SAR, China; Iran, Islamic Rep.; Israel; Jamaica; Kazakhstan; Lao PDR; Latvia; Lebanon; Macedonia, FYR; Mauritius; New Zealand; Nicaragua; Poland; São Tomé and Príncipe; Serbia; Singapore; Slovenia; South Africa; Taiwan, China; United Kingdom; Uruguay
Providing incentives to work	Belarus; Lao PDR; Malawi; Mexico; Oman; Tajikistan; Turkey
Building credit	Belarus; Jamaica; Lao PDR; Mongolia; Seychelles; Taiwan, China; United Arab Emirates; West Bank and Gaza; Zambia
Going to court	Chad; Colombia; Costa Rica; Fiji; Kazakhstan; Trinidad and Tobago; Tunisia
Protecting women from violence	Albania; Belarus; Belgium; Egypt, Arab Rep.; Georgia; Hungary; Israel; Italy; Kenya; Latvia; Lebanon; Luxembourg; Macedonia, FYR; Malawi; Mozambique; New Zealand; Nicaragua; Pakistan; Peru; Saudi Arabia; Tonga; Uruguay; Zimbabwe

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

their ability to move freely, prove their identity, and easily and independently contract with others. These abilities are also necessary for dealing with private providers of goods and services, such as landlords and lenders.

Over the past century, women have been acquiring greater institutional access, beginning with voting rights. Over the last 50 years, many reforms have removed barriers to married women's legal capacity.<sup>3</sup> For example, in 1974, Indonesia granted married women the right to open individual bank accounts. Other economies, such as Spain (in 1978), Switzerland (in 1984) and Paraguay (in 1991), removed legal requirements that husbands grant their wives permission to work outside the home.

While progress has been made in many economies to allow women more access, legal restrictions on their ability to take action persist. In economies where husbands can prohibit their wives from working, women are less likely to have formal bank accounts, savings or credit.<sup>4</sup>

### Access denied

Many laws remain restricting women from taking certain actions. *Women, Business and the Law* examines 11 areas where women may face constraints on their legal capacity to act or ability to conduct transactions. Each action or transaction is examined separately for married and unmarried women. The data show that most restrictions apply only to married women (table 1.2).

Among the obstacles to married women working are laws that allow the wife to work outside the home only if it is in the interest of the family. In some economies, a woman can lose her right to receive financial support from her husband if she works without his consent. For example, according to Article 1 of the Personal Status Law of the Arab Republic of Egypt, a married

woman can leave the house only for purposes allowed by law or custom, otherwise she needs her husband's permission or she loses her right to financial support.

Other issues arise when women cannot convey nationality to their children or spouses. A mother's inability to pass her citizenship to her children may mean that they cannot access services, such as free public education or health care. It may also mean that when the children seek jobs, immigration laws will not allow them to work. This problem can be particularly acute in economies where the public sector is the largest employer and nationality is a prerequisite for public sector employment (box 1.2).

Of the economies examined by *Women, Business and the Law*, 22 do not allow married mothers to pass citizenship on to their children as fathers can, and 44 do not allow married women to pass citizenship to their spouses as married men can.

Recently, Suriname amended its Nationality and Residency Act to allow married women to pass on nationality to their children and non-national spouses in the same way that men can, and Niger reformed its Nationality Law to allow women to pass on citizenship to non-national spouses.

### The importance of a legal identity

Before a woman can enter an employment contract or access finance, she must prove her identity. Where women face more hurdles than men in obtaining national identity (ID) cards, certain activities become difficult, if not impossible. One example is borrowing from a financial institution. A basic precursor to borrowing from banks is proof of identity. Proof of identity is necessary to prevent financial fraud and identity theft. However, where women face greater difficulty obtaining a national ID

TABLE 1.2 BLOCKING ACCESS

Action	Economies where married women cannot perform some actions in the same way as married men	
Apply for a passport	Afghanistan   Algeria   Bahrain   Barbados   Belize   Benin   Botswana   Cameroon   Congo, Rep.   Dominica   Egypt, Arab Rep.   Fiji   Gabon   Grenada   Haiti   Iran, Islamic Rep.   Iraq   Jordan   Malawi   Mali   Myanmar   Oman   Pakistan   Philippines   Saudi Arabia   Seychelles   St. Vincent and the Grenadines   Sudan   Trinidad and Tobago   Uganda   United Arab Emirates   Yemen, Rep.	32
Be head of household	Bahrain   Benin   Burundi   Cameroon   Chad   Chile   Congo, Dem. Rep.   Congo, Rep.   Djibouti   Gabon   Guinea   Honduras   Indonesia   Iran, Islamic Rep.   Iraq   Jordan   Madagascar   Mali   Mauritania   Morocco   Niger   Oman   Philippines   Rwanda   Saudi Arabia   Senegal   Sudan   Tunisia   United Arab Emirates   Yemen, Rep.	30
Choose where to live	Afghanistan   Bahrain   Benin   Brunei Darussalam   Burkina Faso   Cameroon   Chad   Congo, Dem. Rep.   Congo, Rep.   Equatorial Guinea   Gabon   Guinea   Haiti   Iran, Islamic Rep.   Iraq   Jordan   Kuwait   Malaysia   Mali   Niger   Oman   Qatar   Rwanda   Saudi Arabia   Senegal   Sudan   Syrian Arab Republic   United Arab Emirates   West Bank and Gaza   Yemen, Rep.	30
Confer citizenship to children	Bahamas, The   Bahrain   Barbados   Brunei Darussalam   Guinea   Iran, Islamic Rep.   Iraq   Jordan   Kuwait   Lebanon   Madagascar   Malaysia   Mauritania   Nepal   Oman   Qatar   Saudi Arabia   Sudan   Swaziland   Syrian Arab Republic   United Arab Emirates   West Bank and Gaza	22
Get a job without permission	Bahrain   Bolivia   Cameroon   Chad   Congo, Dem. Rep.   Gabon   Guinea   Iran, Islamic Rep.   Jordan   Kuwait   Mauritania   Niger   Qatar   Sudan   Syrian Arab Republic   United Arab Emirates   West Bank and Gaza   Yemen, Rep.	18
Travel outside the home	Afghanistan   Bahrain   Brunei Darussalam   Egypt, Arab Rep.   Iran, Islamic Rep.   Iraq   Jordan   Kuwait   Malaysia   Oman   Qatar   Saudi Arabia   Sudan   Syrian Arab Republic   United Arab Emirates   West Bank and Gaza   Yemen, Rep.	17
Obtain a national identity card	Afghanistan   Algeria   Benin   Cameroon   Egypt, Arab Rep.   Mauritius   Oman   Pakistan   Saudi Arabia   Senegal	10
Travel outside the country	Iran, Islamic Rep.   Iraq   Qatar   Saudi Arabia   Sudan   Syrian Arab Republic	6
Register a business	Bhutan   Congo, Dem. Rep.   Pakistan   Suriname	4
Open a bank account	Congo, Dem. Rep.   Niger	2
Sign a contract	Congo, Dem. Rep.   Equatorial Guinea	2

Source: Women, Business and the Law database.

## BOX 1.2 NATIONALITY MATTERS

In Jordan, because married mothers are unable to convey citizenship to their children or spouses, children with Jordanian mothers and foreign fathers cannot obtain free public health care or education. As they grow older, it is difficult for them to obtain driver's licenses and work permits. Public school can cost up to 12 times more for noncitizens, and a one-year work permit for a foreign spouse or child can cost up to 5% of income per capita. The Jordanian government estimates there are almost 400,000 such children living in the country, of a total population of about 6.5 million.

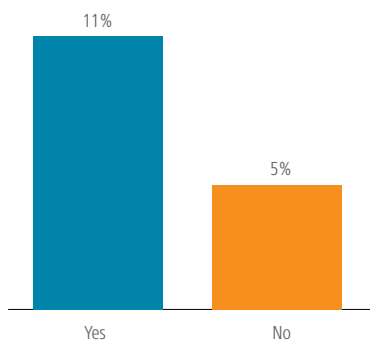
In recognition of the challenges such families face, as of January 2015 children of Jordanian mothers and non-Jordanian fathers can apply for a special identification card that allows them to obtain such subsidized government benefits as free high school education and health care. Adult children of Jordanian mothers and non-Jordanian fathers will no longer have to pay for work permits and will have second priority for jobs after Jordanian citizens. They will also be able to own property and obtain driver's licenses.

In the first month almost 10,000 applications for these identification cards were submitted. However, for children to be eligible for benefits, their mother must have resided in Jordan for at least five years. This creates difficulties for those whose mothers reside outside Jordan, do not have records of when they entered the country or have died.

Source: "Over 9,000 Children of Women Married to Foreigners Apply for IDs," Rana Hussein, *Jordan Times*, January 27, 2015, [www.jordantimes.com/news/local/over-9000-children-jordanian-women-married-foreigners-apply-ids](http://www.jordantimes.com/news/local/over-9000-children-jordanian-women-married-foreigners-apply-ids); "Regional Dialogue on Gender Equality, Nationality and Statelessness: Overview and Key Findings," UNHCR and CRTDA, 2011, [www.unhcr.org/4f33ea656.pdf](http://www.unhcr.org/4f33ea656.pdf); "Jordan's Second-Class Citizens," Elizabeth Whitman, *Boston Review*, October 14, 2013.

## FIGURE 1.6 WOMEN ARE LESS LIKELY TO BORROW FROM A FINANCIAL INSTITUTION WHERE PROCESSES FOR GETTING NATIONAL ID CARDS DIFFER BY GENDER

Borrowed from a financial institution, female (% age 15+)



Can a married woman apply for a national ID card in the same way as a married man?

Source: *Women, Business and the Law*, Global Findex and World Development Indicators databases.

Note: The positive relationship between the percentage of females (age 15+) who borrowed from a financial institution and the legal ability of a married woman to apply for a national ID card in the same way as a man is statistically significant at the 1% level after controlling for 2014 GNI per capita. The regression analysis is based on 117 economies for which data are available. The regression results remain statistically significant at the 5% level even after controlling for the proportion of seats held by women in national parliaments (2014) and the ratio of female to male enrollment in tertiary education (2012). However, the results are sensitive to other levels of education largely due to two outlier economies. This statistical relationship should not be interpreted as causal.

card, they are less likely to borrow from a financial institution (figure 1.6).

In ten economies, married women need to provide additional documentation to get a national ID card—a requirement to which married men are not subject.

Sometimes, difficulty in obtaining a national ID card starts before a woman can even apply for one. Often, the first step to securing any form of identification is to produce a birth certificate. Women need birth certificates not only to interact with government institutions and conduct official transactions, but also to ensure that their children can access public services. However, women may not be able to register their children's births or obtain birth certificates (box 1.3).

### *Increasing women's representation*

In addition to reforming laws restricting women's legal capacity and ability to conduct transactions, many economies are establishing gender quotas to increase women's representation at the highest levels of government and the private sector.

*Women, Business and the Law* examines reserved seat and party list quotas for parliaments and local governments, and quotas for corporate boards.

The principle of equity is at the core of arguments in favor of gender quotas. Quotas can enable a more equitable representation of women in leadership positions, improving their descriptive representation—which may translate into more equitable representation of women's interests in decision making. The aim is to improve women's substantive representation.

Decisions by legislative bodies with more women involved in decision making may differ qualitatively from those by institutions with fewer women involved. A study of 265 village councils in two states in India where a third of the positions of council head had been reserved for women since 1993 found that women leaders invest more in infrastructure that is directly relevant to women's needs.<sup>5</sup> Another cross-country study analyzing government spending over more than 35 years found that countries with quotas for the number of female legislators spent more money on social services and welfare than countries which lacked such quotas.<sup>6</sup>

The use of quotas to boost women's political representation is widespread. Globally, over 40% of economies have quotas for women members of parliament and local government: for parliament 21 economies have reserved seat quotas and 52 have candidate list quotas, and for local governments 23 have reserved seat quotas and 42 have candidate list quotas (table 1.3).

Candidate list quotas determine the minimum number of women that must be on a party list. Reserved seat quotas for parliament range from 10% in Jordan to 33% in Kenya, and candidate list quotas range from 20% in Mongolia to 50% in Tunisia.

Although candidate list quotas in both Bolivia and the Democratic Republic of Congo are 50%, representation of women in the Bolivian parliament is 53% and in the Democratic Republic of Congo it is just 9%. This may be attributable to differences in placement requirements and sanctions between the two economies: in Bolivia there is a zipper system that requires political parties to alternate genders on candidate lists. Failure to comply results in rejection of the party list. In the

Democratic Republic of Congo the law is silent on both placement requirements and sanctions for noncompliance. Other examples of sanctions used to enforce compliance of gender quotas in candidate lists are fines in El Salvador and the loss of state funding in Ireland.

Recently, Egypt introduced a 25% women's quota for local councils and a 10% women's quota for parliament. Tunisia's new electoral law introduced a 50% gender quota on candidate lists. Niger and Sudan both increased their reserved seat quotas for women in parliament, Niger to 15% and Sudan to 30%. Pakistan introduced a 22% quota for women in local governments and Haiti's new Electoral Law provides that one out of three city council members must be a woman. Saudi Arabia has introduced a 20% reserved seat quota for women at the national level.

Policy makers are also attempting to increase the number of women who serve on corporate boards. Some studies have found a positive correlation between companies with women on their boards and their financial success.<sup>7</sup> Recently, a survey of 6,500 companies showed that companies with greater female participation on boards were less likely to be hit by governance scandals involving bribery, fraud and other factors likely to depress business confidence.<sup>8</sup> Boosting the employment of women on corporate boards may be beneficial for economic growth by improving the quality of governance.

Of the economies measured by *Women, Business and the Law*, nine have quotas for publicly listed companies: Belgium, France, Germany, Iceland, India, Israel, Italy, Norway and Spain. The most recent quotas were introduced in Germany (30%) and India (at least one board member has to be a woman). Quotas range from

### BOX 1.3 BARRIERS TO WOMEN OBTAINING BIRTH CERTIFICATES

Birth certificates are required when applying for a range of social benefits, including health care and school registration, and for most forms of civil identification. In some economies, such as Barbados, France and the Syrian Arab Republic, the father is legally responsible for registering the birth of a child.

Several economies make birth registration contingent on the existence of a marital relationship between parents. For example, in the Islamic Republic of Iran if the parents' marriage is not registered, both parents must appear before the civil registrar to register a child's birth. In Egypt a mother who cannot prove her marital relationship can register a birth only if a person who witnessed the child's birth testifies. In Senegal any person declaring the birth other than the father has to show a marriage certificate for the child's parents. And in Swaziland the law specifically requires the father to register the birth of a child.

In 2006 Nepal updated its legislation with more gender-neutral language for its birth registration procedures. Previously, notice of a birth was given by the head of household, and in his absence, by the eldest male member of the family. Women as well as men can now be designated head of household, and the eldest male member no longer provides birth notification if the head of household is absent.

*Source:* France, Civil Code, Art. 56; France, Circular of 28 October 2011; Iran, Islamic Rep., Registration of Personal Status Code, Art. 16; Egypt, Arab Rep., Civil Status Code, Law No. 143 of 1994, Art. 20; Egypt, Arab Rep., Law No. 12 of 1996 Promulgating the Child Law Amended by Law No. 126 of 2008, Art. 15; "Livret d'Informations Juridiques l'Etat Civil," Ministry of Justice of Senegal, January 2009; Nepal, Law Amending Some Nepal Acts to Maintain Gender Equality, 2063 (2006); Swaziland, Births, Marriages and Deaths Registration Act, 1983, Arts. 10 and 15; Syrian Arab Republic, Civil Status Law, Art. 23; UNICEF 2013.

**TABLE 1.3** QUOTAS FOR PARLIAMENT AND LOCAL GOVERNMENT, BY REGION

Region	Quotas for parliament		Quotas for local government	
	Reserved seats	Candidate lists	Reserved seats	Candidate lists
East Asia & Pacific		China; Indonesia; Mongolia; Taiwan, China; Timor-Leste	Philippines; Taiwan, China; Timor-Leste	Indonesia; Mongolia
Europe & Central Asia	Kosovo	Albania; Armenia; Bosnia and Herzegovina; Croatia; Kyrgyz Republic; Macedonia, FYR; Montenegro; Serbia; Uzbekistan	Kosovo	Albania; Bosnia and Herzegovina; Croatia; Macedonia, FYR; Montenegro; Serbia; Uzbekistan
Latin America & Caribbean	Haiti	Argentina; Bolivia; Brazil; Colombia; Costa Rica; Dominican Republic; Ecuador; El Salvador; Guyana; Honduras; Mexico; Nicaragua; Panama; Paraguay; Peru; Uruguay	Haiti	Argentina; Bolivia; Brazil; Colombia; Costa Rica; Dominican Republic; Ecuador; El Salvador; Honduras; Mexico; Nicaragua; Paraguay; Peru; Uruguay
Middle East & North Africa	Djibouti; Egypt, Arab Rep.; Iraq; Jordan; Morocco; Saudi Arabia	Algeria; Tunisia; West Bank and Gaza	Egypt, Arab Rep.; Iraq; Jordan; Morocco; West Bank and Gaza	Algeria
OECD high income		Belgium; Chile; France; Greece; Ireland; Korea, Rep.; Poland; Portugal; Slovenia; Spain		Belgium; France; Greece; Italy; Korea, Rep.; Norway; Poland; Portugal; Slovenia; Spain
South Asia	Afghanistan; Bangladesh; Pakistan	Nepal	Bangladesh; India; Pakistan	Nepal
Sub-Saharan Africa	Burundi; Kenya; Mauritania; Niger; Rwanda; South Sudan; Sudan; Tanzania; Uganda; Zimbabwe	Burkina Faso; Congo, Dem. Rep.; Congo, Rep.; Guinea; Lesotho; Mauritania; Senegal; Togo	Burundi; Guinea; Kenya; Lesotho; Mauritania; Niger; Rwanda; Sierra Leone; South Sudan; Uganda	Burkina Faso; Congo, Dem. Rep.; Congo, Rep.; Mauritius; Namibia; Senegal; South Africa

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

20% in France to 40% in Iceland, Norway and Spain. In Israel, as in India, publicly listed companies must have at least one woman on their boards. More movement is expected in this area due to recent European Union efforts encouraging member states to increase women's representation on corporate boards to 40%.<sup>9</sup>

Whether legislation sets corporate board quotas for the private sector or quotas for local governments and parliaments, the goal is clear: to make women better represented in all institutions, public and private.

## Using property

The using property indicator examines women's ability to acquire, access, manage and control property—the ability to use property—by analyzing inheritance and marital property regimes to better understand how they affect women's access to assets.

The ability to use property is important to everyone, regardless of gender. Access to property not only increases women's financial security, but is also associated with their increased bargaining power within the household. Access to assets has also been linked to gains in family welfare, such as children's health.<sup>10</sup> In Ecuador, for example, women's share in couples'

wealth is associated with a higher likelihood of joint decision-making about employment and spending. In Colombia women who own property are in a better bargaining position at home, and are more likely to be able to move freely, negotiate the right to work, and control their income.<sup>11</sup>

Despite these advances, regional and local gender asset gaps persist in property ownership, particularly of major assets.<sup>12</sup> Traditionally, women own less property than men and their property rights are less secure. And women in informal unions may have even less secure property rights than other groups of women. In Rwanda after evidence demonstrated that titling policies were systematically overlooking women in informal unions, land registration forms were revised to be more inclusive of them.<sup>13</sup>

In Ghana insecure property rights have been found to lead women to make farming decisions that have negative effects on land productivity.<sup>14</sup> One study found that increasing women's access to resources could raise agricultural output in developing countries by an estimated 2.5–4%.<sup>15</sup>

## Inheritance

One reason for gaps between women's ownership of assets and men's may be inheritance. Often, inheritance offers the surest opportunity for both men and women to own land or housing; a

2014 study in Ghana found that 30% of owner-occupied dwellings were inherited or received as gifts.<sup>16</sup> Where inheritance rights for men and women are unequal under the law, women may be less likely to own land or housing.

Giving women greater access to assets through inheritance can change outcomes for children, particularly girls. In 1994, two states in India, Karnataka and Maharashtra, reformed the Hindu Succession Act to allow women and men the same rights to inherit joint family property. This altered control over assets within families and increased parental investments in daughters. The second-generation effects were even larger in such areas as daughters' education. For example, mothers who benefited from the reform spent twice as much on their daughters' education. Moreover, where the reforms occurred, women were more likely to have bank accounts and their households were more likely to have sanitary latrines, suggesting that legal empowerment gives women more bargaining power within the household and leads to better educational and financial outcomes for families.<sup>17</sup> Although the reform was initiated at the state level, it has now been implemented throughout India.

Access to assets through inheritance is particularly important for widows, who may depend on inheritance for economic security and survival. In 35 of the 173 economies covered by *Women, Business and the Law*, female surviving spouses do not have the same inheritance rights as their male counterparts. None of the OECD high-income economies, nor the economies in Europe and Central Asia and Latin America and the Caribbean, have legal restrictions on the ability of female surviving spouses to inherit. In East Asia and the Pacific, four economies—Brunei Darussalam, Indonesia, Malaysia and Tonga—do not grant widows equal inheritance rights. In South Asia, widows do not have equal inheritance rights in Afghanistan, Bangladesh, Nepal and Pakistan. In Sub-Saharan Africa, the law does not give equal inheritance rights to widows in nine economies: Burundi, Guinea, Kenya, Mauritania, Senegal, Sudan, Swaziland, Tanzania and Uganda. None of the economies in the Middle East and North Africa, except Malta, grant widows the same inheritance rights as widowers.

Women may also be pressured by relatives to give up the inheritances they do receive. In 2010, Jordan passed a law preventing women from waiving their inheritance and requiring any property they inherit to be registered in their name when the will is executed.<sup>18</sup> The law also requires that relatives challenging the bequest go to court to demonstrate valid reasons for nullifying a woman's inheritance.

### Marital property regimes

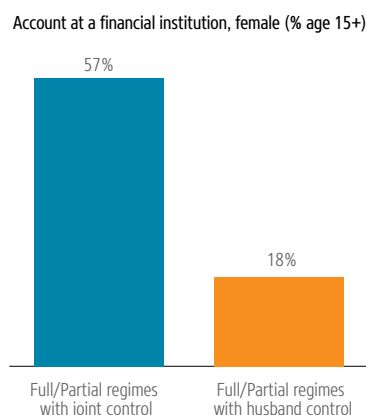
Marital property regimes determine the allocation of property ownership and management between spouses during the marriage and at its dissolution through death or divorce. These rules have a direct impact on women's financial inclusion and can help or deter their access to credit.

Different marital property regimes have different consequences for the allocation of property within households. Each economy sets its default regime in the family or personal status law. Full and partial default community property (joint property) regimes offer equal access to property, including land, for both spouses during and after marriage. These are generally beneficial to women as long as the effects of the marital property regimes are not negated by other laws. In the Democratic Republic of Congo, for example, the Family Code vests control of joint property solely in the husband.

Of the 173 economies covered by *Women, Business and the Law*, 79 have a full or partial community property regime; in six of these, however—Cameroon, Chad, Chile, Democratic Republic of Congo, Republic of Congo, Côte d'Ivoire—the husband has the right to administer the joint property.

Comparing *Women, Business and the Law* data with Global Findex data shows that women are more likely to have a bank account in economies with a community property regime;<sup>19</sup> however, where the husband has the right to administer the joint marital property, the share of women with a bank account decreases (figure 1.7).

**FIGURE 1.7** WHERE HUSBANDS CONTROL MARITAL PROPERTY, WOMEN ARE LESS LIKELY TO HAVE AN ACCOUNT AT A FINANCIAL INSTITUTION



Source: *Women, Business and the Law*, Global Findex and World Development Indicators databases.

Note: The difference in the percentages illustrated is statistically significant at the 1% level after controlling for 2014 GNI per capita. The regression analysis is based on 65 economies for which data are available. The regression results remain statistically significant at the 1% level even after controlling for the proportion of seats held by women in national parliaments (2014) and the ratio of female to male enrollment in secondary education (2012). This statistical relationship should not be interpreted as causal.



Four economies have reformed the use of marital property over the past two years. Croatia introduced special provisions on transactions related to the marital home that require written spousal consent to alienate or encumber property used as a family home. Hungary added new provisions to the family law section of its civil code that prevent either spouse from disposing of the marital home while property is held in community and requiring the consent of the other spouse even after the marriage is dissolved until tenancy rights are settled. Kenya's new law on matrimonial property makes partial community of property the standard, and both spouses now have equal rights to administer joint property. In Nicaragua, the new family code makes separation of property the default regime and repeals provisions giving judges the power to decide ownership of assets when spouses disagree.

## Getting a job

The getting a job indicator assesses restrictions on women's work, such as prohibitions on working at night or in certain industries. This indicator also covers laws on work-related maternity, paternity and parental benefits. All the economies covered by *Women, Business and the Law* have labor regulations that treat men and women differently. Some of the differences may facilitate women's participation in the workforce, but many prevent it. Differences in how the law treats women and men can affect women's incentives and ability to get the job of their choice.

## Restrictions on women's work

Of the 173 economies surveyed by *Women, Business and the Law*, 100 restrict non-pregnant and non-nursing women from pursuing the same economic activities as men; some directly prohibit women from holding particular jobs (table 1.4).

Restrictions on working hours, sectors and occupations limit the range of jobs that women can hold and can lead to occupational segregation and confinement of women to low-paying sectors and activities. In fact, many of the jobs prohibited for women are in highly paid industries, such as mining and manufacturing. This has real implications for their earning potential. Restrictions on the types of work that women pursue can also hurt firms and the overall competitiveness of an economy because the pool of qualified candidates for open positions is artificially halved, reducing the likelihood of getting the most talented people.

Such laws can curtail women's economic choices. For example, the Russian Federation had a high gender earnings differential during its transition to a market economy largely because of occupational gender segregation. That segregation was related more to gender-based job restrictions in Soviet-era labor regulations, than to gender differences in education or the higher incidence of part-time work among women. Because of their maternity and childcare functions, women were considered a specific labor force barred from "unsuitable" occupations and encouraged to concentrate in health care, education, light industry and white collar jobs.<sup>20</sup>

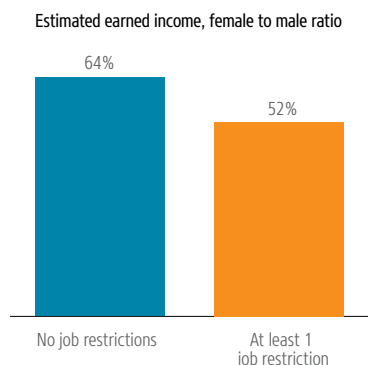
**TABLE 1.4** TASKS AND OCCUPATIONS PROHIBITED TO WOMEN

Economy	Examples
Argentina	Producing or manipulating explosives, flammable or corrosive materials, or working in or around such areas; working as a machinist or fire-stoker; selling distilled or fermented alcoholic beverages in any location or space in which they are dispensed; distilling alcohol and producing or mixing liquors; sizing or polishing glass, working in any location or site that regularly contains dust or irritating or toxic vapors; greasing or cleaning machinery in movement; loading or unloading ships, cranes or derricks; transporting incandescent materials.
France	Women may not carry loads greater than 25 kilograms or transport loads of greater than 45 kilograms with a wheelbarrow.
Madagascar	Preparing, handling and selling printed literature, posters, drawings, engravings, paintings, emblems, images and other objects whose sale, offer, exposure, display or distribution is punishable under criminal laws or, that without falling afoul of the law, are contrary to morality.
Pakistan	Working in the same room as a cotton-opener in a factory; working inside any factory to clean, lubricate or adjust any part of machinery while that part is in motion, or working between moving parts or between fixed and moving parts of any machinery.
Russian Federation	Truck driver in agriculture; freight train conductor; deckhand (boatswain, skipper, assistant skipper and sailors of all denominations) on ships of all types of fleets as well as floating docks and cranes for loading grain, cement, coal and other dusty cargo; worker in integrated teams and longshoreman engaged in loading and unloading in ports and harbors; woodworker; installer of antennas at high places; mining rig operator; operator of chemical treatment of wells; lift machinist in oil and gas industry; bulldozer machinist; plumber involving the repair of sewer networks; metal and alloy smelter; driver of loading machine; pipe, furnace and flue cleaner; controller of speed of train wagons.
United Arab Emirates	Manufacturing lead monoxide or a number of other lead derivatives and compounds; working in the asphalt industry, tanneries, or in bars; working with fertilizer derived from animal droppings or blood; welding by oxygen, ethylene, or electricity; making mercury mirrors; extracting silver from lead ashes; cleaning the workshops used for the three previous jobs; managing and monitoring mechanical machines; repairing or cleaning mechanical machines; flaying, chopping, and depilating animals and melting their fats; manufacturing charcoal from the bones of animals except the operation of isolating the bones before burning them.

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



**FIGURE 1.8** THE WAGE GAP IS LIKELY TO BE SMALLER WHERE THERE ARE NO JOB RESTRICTIONS ON WOMEN'S WORK



Source: *Women, Business and the Law* and World Development Indicators databases; World Economic Forum *Global Gender Gap Report 2014* (Table E3, p. 66)

Note: The difference in the estimated earned income, female to male ratio (2014), in economies with no restrictions on women's work and economies with at least 1 restriction is statistically significant at the 1% level after controlling for 2014 GNI per capita. The regression analysis is based on 121 economies for which data are available. The regression results remain significant at the 5% level even after controlling for the proportion of seats held by women in national parliaments (2014) and the ratio of female to male enrollment in secondary education (2012). This statistical relationship should not be interpreted as causal.

Currently women are prohibited from working in 456 specified jobs in Russia, ranging from driving a truck carrying agricultural produce to woodworking. In 2009, a woman applied to be an assistant driver in the St. Petersburg subway system and was turned down because the law prohibits women from holding such jobs. She challenged this in court on grounds of gender discrimination, but the Supreme Court of the Russian Federation rejected her argument and found the state's interest in protecting women's health a justifiable reason to enforce the prohibition.<sup>21</sup>

The getting a job indicator tracks 10 areas of job restrictions for women: mining, construction, factory work, metal work, weight-lifting limits, jobs deemed hazardous, jobs deemed arduous, jobs deemed morally inappropriate, other occupations not listed above, and other tasks not listed above.

Nearly every economy in the Middle East and North Africa has at least one restriction on women's work; 28 of 41 Sub-Saharan African economies examined have such restrictions, compared to only 8 of 32 OECD high-income economies examined. The OECD high-income economies that restrict the jobs women can do are Chile, Czech Republic, France, Israel, Japan, the Republic of Korea, Poland and Slovenia.

*Women, Business and the Law* finds that having restrictions on women's work lowers women's earning potential relative to men's (figure 1.8).

### Maternity, paternity and parental leave

*Women, Business and the Law* measures the length of paid and unpaid maternity, paternity and parental leave, who pays it and the rate at which it is paid. Maternity, paternity and parental leave affects the choices women make and the opportunities available to them in the working world. But too much leave may undermine women's labor force participation if it makes women less competitive in the labor market and discourages employers from hiring women of child-bearing age.

Though maternity leave is standard in almost all economies, it varies greatly in duration, from a few weeks to a few years. Most maternity leave is paid, though economies vary on whether it is paid by employers, governments or both.

Of all the economies covered, only Tonga in East Asia and the Pacific and Suriname in Latin America and the Caribbean do not entitle parents to any kind of leave, paid or unpaid, when a child is born. Papua New Guinea provides unpaid maternity leave and the United States provides unpaid parental leave. All other economies provide paid maternity leave or offer maternity benefits through paid parental leave.

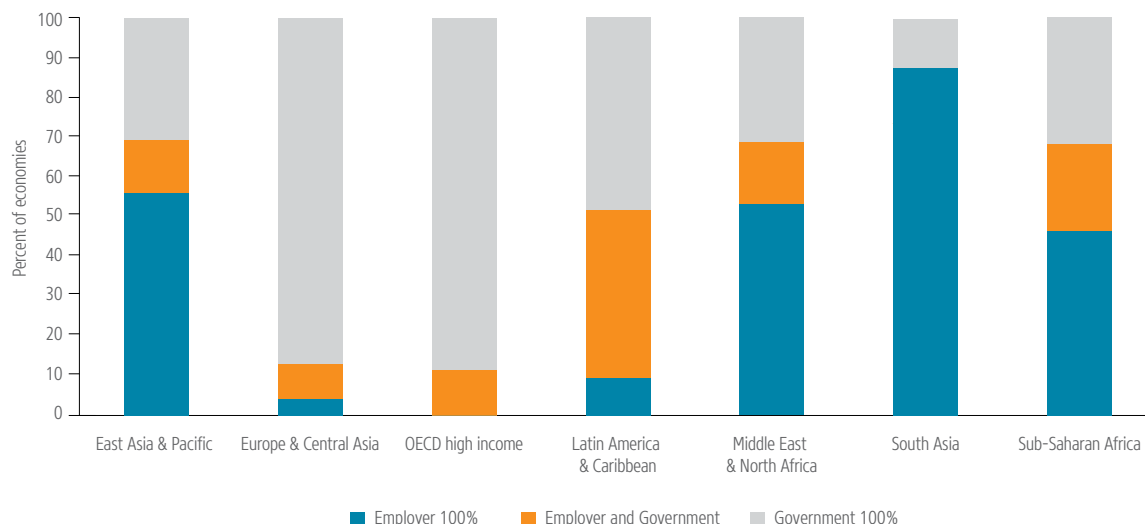
Of equal importance to having the benefit is the question of who pays for it. If firms must pay for maternity leave, from the employer perspective the cost of hiring women of reproductive age will be higher than the cost of hiring men. If, however, the cost of maternity leave is paid by the government, firms would not necessarily face higher costs for hiring women. In 51% of the economies that provide paid maternity leave, the government pays for maternity benefits, in 30% the employer pays the full cost and in 19% this cost is shared between the employer and the government (figure 1.9).

Parental benefits enabling mothers, fathers or both to take paid or unpaid time off to care for a newborn child can foster a more equitable division of childrearing responsibilities in the family. This in turn can give women greater opportunities for career advancement.

While 167 of 173 economies mandate maternity leave, paid or unpaid parental leave is still a rarity. Only 53 of the economies covered, none in Sub-Saharan Africa, have any form of parental leave (figure 1.10). And paternity leave is still only offered in half of economies.

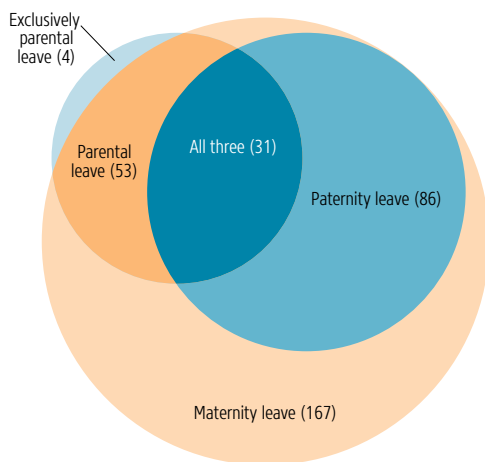
Providing options for who takes parental leave can give both parents more flexible work schedules. This is especially relevant for mothers, whose return to the workforce after maternity leave may depend on their ability to share child-rearing

**FIGURE 1.9** WHO PAYS FOR MATERNITY LEAVE?



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

**FIGURE 1.10** JUST UNDER ONE-THIRD OF ECONOMIES PROVIDE FOR PARENTAL LEAVE



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

responsibility with their spouses. Regulatory schemes allowing parents to better balance parenthood with employment vary.

In Estonia and Lithuania, for example, parental leave is a family entitlement and decisions about who takes it and for how long

are made by both parents. Portugal uses bonuses to extend the total length of paid parental leave if both parents share it. Parents in Italy, Germany and Japan have similar options.

Recently, the Former Yugoslav Republic of Macedonia introduced unpaid parental leave, and Poland, Singapore and the United Kingdom introduced paid parental leave.

### Providing incentives to work

*Women, Business and the Law* covers two areas that may affect a woman’s incentive to work in paid employment: personal income tax regulations and the availability of public and/or subsidized private childcare.

#### Tax benefits

Gender differences in personal income tax regulations may affect a woman’s decision to enter the workforce in the formal sector, especially if it means paying disproportionately higher taxes. In 16 of 173 economies—Benin, Brunei Darussalam, Burkina Faso, Cambodia, Republic of Congo, Fiji, Guinea, Indonesia, Iraq, the Lao People’s Democratic Republic, Malaysia, Morocco, Niger, the Philippines, Togo and Tunisia— tax provisions directly favor men. These economies either grant men an explicit tax deduction or credit, or an implicit tax deduction or credit is granted to the male head of household.

In some of these economies, women can in limited circumstances also benefit from these provisions. For example, the

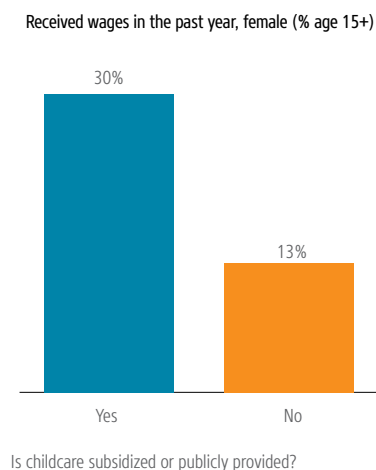
income tax law of Iraq grants women tax deductions if they are widowed or divorced. However, if women are married, the tax deduction is granted to the husband by default as the legal head of household. Other economies, such as Burkina Faso, allow women to claim the tax deduction if it has not already been claimed by their husbands. Only Israel, Singapore and Spain provide a specific tax credit or deduction to women.

### Family care and women's employment

The ease, cost and availability of care for young children and free public education for school-age children can affect whether a mother decides to work outside the home for paid compensation or to stay at home with the children.

More public assistance for childcare may create opportunities for women to participate in the labor force because women are often the primary care-givers for children. The percentage of women who reported receiving wages in economies that provide public childcare was more than twice that in economies that do not (figure 1.11). Of the economies covered, 39 have

**FIGURE 1.11** MORE WOMEN RECEIVE WAGES WHERE GOVERNMENTS SUPPORT CHILDCARE



Source: *Women, Business and the Law*, Global Findex and World Development Indicators databases.

Note: The positive relationship between the percentage of females who report receiving salary or wages from an employer in the past 12 months (2014) and legislation subsidizing or mandating public provision of childcare for those too young for primary education is statistically significant at the 1% level after controlling for 2014 GNI per capita. The regression analysis is based on 139 economies for which data are available. The regression results remain significant at the 1% level even after controlling for the proportion of seats held by women in national parliaments (2014) and the ratio of female to male enrollment in secondary education (2012). This statistical relationship should not be interpreted as causal.

no public childcare facilities; 27 of these are low and middle-income economies.

Tajikistan now has a law on preschool education, including direct public childcare, and Turkey has introduced free preschool education for children ages 4–5.

Governments sometimes take women's unpaid care work into consideration when designing leave policies because women must often balance employment with care responsibilities for children, sick relatives and the elderly. *Women, Business and the Law* finds that 70 of the covered economies provide paid or unpaid leave to care for a sick relative. The Employment and Labor Relations Act of Tanzania, for example, allows employees to take at least four paid days to care for a sick child.

### Building credit

Building credit identifies the minimum value of loans tracked by private credit bureaus and public credit registries and assesses bureaus and registries that collect information from microfinance institutions, retailers and utility companies. This edition expands coverage to legislation on nondiscrimination in access to credit on the basis of gender and marital status.

Recent initiatives to improve the collection of data on women's access to credit<sup>22</sup> highlight the reality that women receive less credit than men. The reasons for women's credit constraints are often different from those of men.

#### Building a credit history

Where public credit registries and private credit bureaus only record loans above a certain threshold, they might exclude small borrowers, many of whom are female entrepreneurs. Where credit registries and bureaus do not record loans from microfinance institutions—for whom women make up a large share of borrowers—the good repayment histories of microfinance clients cannot be leveraged. Finally, where information from nonbank institutions, such as retailers and utilities, is not used to assess borrower creditworthiness, it excludes those who lack traditional banking relationships, many of whom are women.

Of the 173 economies covered by *Women, Business and the Law*, 30 do not have a public credit registry or private credit bureau that covers more than 5% of the population. Among the 143 economies that have credit reporting institutions covering more than 5% of the population, 14 have minimum loan thresholds higher than 1% of income per capita.

#### Nondiscrimination under the law

However, even with a credit rating based on successful payment of retail or utility bills, lenders may discriminate against women. This edition of *Women, Business and the Law* includes

new questions on whether legislation prohibits discrimination in access to credit based on either gender or marital status.

The United States led the way in nondiscrimination in access to credit with the Equal Credit Opportunities Act of 1974, thanks to the efforts of a female Representative who inserted the terms *sex* and *marital status* into the legislation and called out male committee members for their “oversight” in initially not including them as protected categories.<sup>23</sup> The law specifically prohibits discrimination based on sex and marital status with respect to any aspect of a credit transaction.

Globally, 46 economies require nondiscrimination in access to credit on the basis of gender (table 1.5).

The Australian Sex Discrimination Act, for example, prohibits discrimination on the grounds of sex when providing services

relating to banking, insurance and the provision of grants, loans, credit or finance.<sup>24</sup>

Of the 46 economies that prohibit discrimination on the basis of gender, 24 also prohibit discrimination based on marital status: Australia; Austria; Bolivia; Bosnia and Herzegovina; Bulgaria; Canada; Croatia; France; Hong Kong SAR, China; Hungary; Ireland; Mexico; Mongolia; Morocco; the Netherlands; New Zealand; Peru; Philippines; Puerto Rico, territory of the United States; Slovak Republic; South Africa; Trinidad and Tobago; United Kingdom and the United States.

Even in economies that do not legislate nondiscrimination in access to credit, women’s access can be bolstered by programs targeting women entrepreneurs, which exist in economies as varied as Brazil, Nigeria and Vietnam (box 1.4).

**TABLE 1.5** WHERE DISCRIMINATION IN ACCESS TO CREDIT IS PROHIBITED

Region	Economies
East Asia & Pacific	Hong Kong SAR, China; Mongolia; Philippines; Vietnam (4)
Europe & Central Asia	Azerbaijan; Bosnia and Herzegovina; Bulgaria; Croatia; Kosovo; Kyrgyz Republic; Latvia; Lithuania; Moldova; Romania (10)
Latin America & Caribbean	Bolivia; Mexico; Peru; Puerto Rico (U.S.); Trinidad and Tobago (5)
Middle East & North Africa	Malta; Morocco (2)
OECD high income	Australia; Austria; Belgium; Canada; Czech Republic; Denmark; Finland; France; Germany; Greece; Hungary; Ireland; Italy; Luxembourg; Netherlands; New Zealand; Poland; Portugal; Slovak Republic; Slovenia; Spain; Sweden; United Kingdom; United States (24)
Sub-Saharan Africa	South Africa (1)

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

**BOX 1.4** SPOTLIGHT ON NIGERIA

In 2003, Nigeria’s Federal Ministry of Women Affairs and Social Development in cooperation with the Bank of Industry established the Business Development Fund for Women (BUDFOW), a \$1.5 million initiative that provides individual women entrepreneurs with low-interest loans, technical support and capacity-building training to expand their businesses. Any adult Nigerian woman can make the case to the BUDFOW that expansion of her business is stalled due to lack of access to funding. From 2011 to 2013, 56 female-run businesses received approximately \$500,000 from the revolving loan scheme.

In another initiative, highlighting the country’s commitment to decrease gender disparity, the Central Bank of Nigeria in 2011 formulated a policy target to increase women’s access to financial services by 15 percent annually. To achieve this goal it set up the Micro, Small and Medium Enterprises Development Fund which provides microcredit loans. Sixty percent of funds amounting to roughly \$810 million disbursed by partner financial institutions are reserved for women entrepreneurs.

Source: “Business Fund for Women,” Bank of Industry Nigeria, accessed June 12, 2015. <http://boinigeria.com/business-fund-for-women/>; “Microfinance Policy Framework for Nigeria: Revised, April 29, 2011,” Central Bank of Nigeria, <http://www.cenbank.org/out/2011/pressrelease/gvd/revise%20microfinance%20policy%20july%2012%202011.pdf>; “Micro, Small and Medium Enterprises Development Fund (MSMEDF) Guidelines, Revised, August 2014,” Central Bank of Nigeria, <http://www.cenbank.org/Out/2014/DFD/MSMEDF%20GUIDELINES%20%20.pdf>; Federal Ministry of Women Affairs & Social Development, Economic Services Department, Nigeria, 2013, <http://www.womenaffairs.gov.ng/index.php/department/economic-services/>; “2013 Ministerial Platform: A Mid-Term Report on the Progress & Achievements of President Goodluck Jonathan’s Administration in the Federal Ministry of Women’s Affairs and Social Development,” June 25, 2013, <http://fmi.gov.ng/wp-content/uploads/2013/06/2013-MP-WA.pdf>.

## Going to court

The going to court indicator examines women's access to justice by looking at the number of women justices in constitutional courts and examining whether there are small claims courts.

Women's access to justice can be hindered by limits on their representation in judicial institutions. The United Nations estimates that globally women account for 27% of all judges.<sup>25</sup> However, evidence is emerging that women judges can make a difference in cases where gender is an issue. For example, an analysis of U.S. federal appellate cases in 1999, 2000 and 2001 found that in cases involving sex discrimination or sexual harassment, plaintiffs were twice as likely to win when a woman was on the panel deciding the cases. The data showed both that women judges were significantly more likely than their male counterparts to find for the plaintiff and that having a woman on the panel increased the probability that male judges would support the plaintiff.<sup>26</sup>

Women justices may also matter in cases other than sex discrimination or sexual harassment cases. For example, in Tanzania the Hon. Ms. Munuo wrote a decision for the High Court in *Ndossi v. Ndossi* holding that the nondiscrimination clause of the Constitution entitled a widow to administer her estate on behalf of her children.<sup>27</sup> This decision expanded constitutional protections to women and domesticated international human rights instruments, including the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).

*Women, Business and the Law* finds that in the 153 economies where there are constitutional courts, 122 have at least one female justice, and women are chief justices in 26 economies (figure 1.12). The regional distribution of female justices is disproportionate, however, as there is not one female chief justice in the Middle East and North Africa or in South Asia.

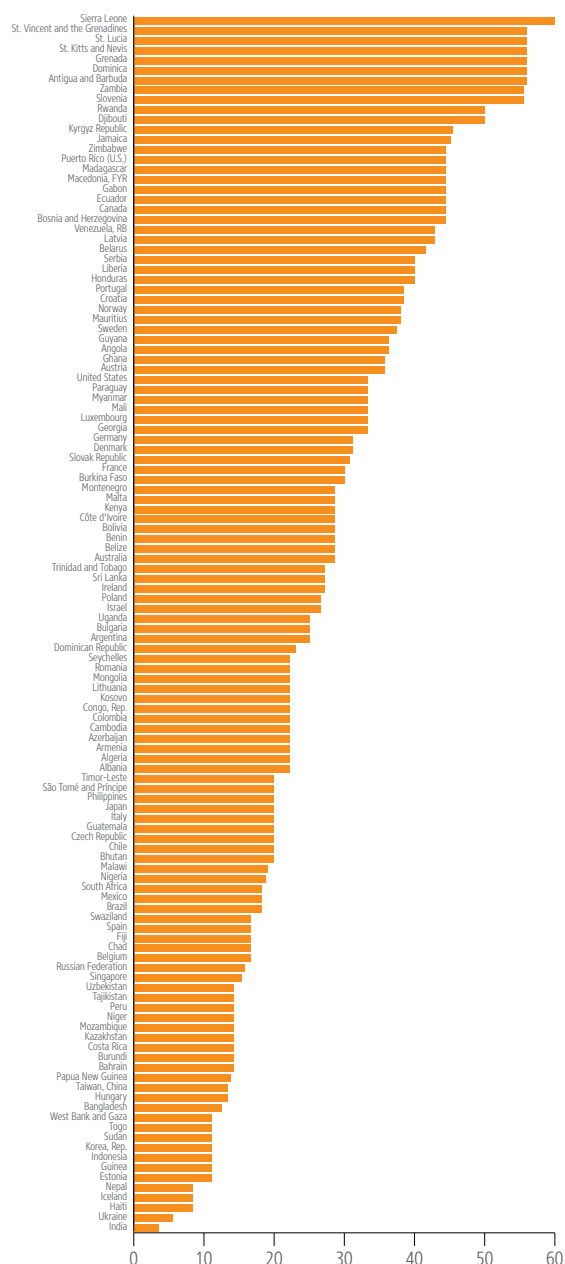
### Small claims courts

Although most economies do not prevent women from accessing the court system, many do not make it easy for them to do so. Legal formalities and the costs of litigation, both direct and incidental, discourage poor people from accessing courts.<sup>28</sup> Even for relatively simple disputes, legal formalities are associated with lower enforceability of contracts, longer duration of cases and a perception among participants of lower-quality justice.<sup>29</sup>

Small claims courts have jurisdiction over civil cases when less than a specified monetary threshold is at issue. Procedures of these courts are simplified; the reduced cost and faster processes to render a judgment make them ideal for small businesses, many of which are owned by women.

Small claims courts expedite dispute resolution and improve access to justice for minor disputes of relatively low value. They do

**FIGURE 1.12** PERCENTAGE OF FEMALE JUSTICES IN CONSTITUTIONAL COURTS



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

Note: Thirty economies do not have a woman on the constitutional court. These economies are: Afghanistan; Cameroon; the Democratic Republic of Congo; the Arab Republic of Egypt; El Salvador; Equatorial Guinea; Hong Kong SAR, China; the Islamic Republic of Iran; Iraq; Jordan; Kuwait; Lebanon; Maldives; Mauritania; Moldova; Morocco; Namibia; Nicaragua; Pakistan; Panama; Qatar; Senegal; South Sudan; the Syrian Arab Republic; Thailand; Tonga; Turkey; United Arab Emirates; Uruguay and the Republic of Yemen. A further 20 economies do not have a constitutional court.

so by setting aside legal formalities and using simplified procedures. Simpler processes and more relaxed rules lower costs for claimants, who can file and present their own cases; filing fees are lower and judges issue decisions rapidly.<sup>30</sup> For small business owners, small claims courts can be a preferable forum for resolving simple disputes.<sup>31</sup>

Fifty-three economies do not have small claims courts or fast-track procedures for smaller claims. While more than 90% of OECD high-income economies have such courts, only 46% of economies in Sub-Saharan Africa do. A few economies have made positive changes in this area; Kazakhstan introduced small claims courts in 2014 and Chad, Colombia, Costa Rica and Trinidad and Tobago raised the maximum amount they can decide on.

## Protecting women from violence

The protecting women from violence indicator examines laws on domestic violence against women and the existence and scope of laws on sexual harassment. The data for this edition expands coverage to whether women are protected from marital rape, what the legal age of marriage is for boys and girls, and whether protection orders can be authorized.

Violence affects women and girls of all ages, regardless of location, income level or social status. It can undermine women's economic empowerment by preventing employment and blocking access to other financial resources. In Tanzania, for example, the earnings of women in formal wage work who are exposed to severe partner violence are 60% lower than women who are not exposed.<sup>32</sup> Conversely, economic empowerment seems to protect women from violence: women living in wealthier households have a 45% lower risk of violence than those living in poorer households.<sup>33</sup>

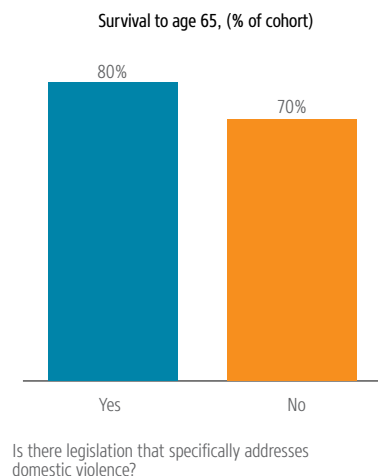
### Domestic violence: Greater protection at home

Globally, the most common form of violence women experience is from an intimate partner.<sup>34</sup> Almost one-third of all women who have been in an intimate relationship have experienced physical or sexual violence. Indeed, intimate partners commit as many as 38% of all murders of women.<sup>35</sup> Legal protection against domestic violence is crucial to reduce impunity and open avenues for redress. *Women, Business and the Law* has found that life expectancy for women is higher where they are legally protected from domestic violence (figure 1.13).

Domestic violence legislation varies greatly in scope and applicability. The data examine where economies have legislation on domestic violence and whether it covers different types of abuse (box 1.5).

Of the economies covered, 127 have laws on domestic violence, of which 95 cover both physical and sexual violence and

**FIGURE 1.13** WOMEN'S LIFE EXPECTANCY AND LEGAL PROTECTION FROM DOMESTIC VIOLENCE



Source: *Women, Business and the Law* and World Development Indicators databases.

Note: The positive relationship between female survival to age 65 (% of cohort; 2013) and laws that specifically address domestic violence is statistically significant at the 1% level after controlling for 2014 GNI per capita. The regression analysis is based on 168 economies for which data are available. The regression results remain statistically significant at the 5% level even after controlling for the proportion of seats held by women in national parliaments (2014) and the ratio of female to male enrollment in secondary education (2012). This statistical relationship should not be interpreted as causal.

122 cover psychological violence. Economic violence, which can result in women being deprived of the economic means to leave an abusive relationship, is rarely covered. Subjecting women to economic violence is not addressed in 94 of the total 173 economies for which data has been collected.

Laws covering all four types of violence are prevalent in Europe and Central Asia, and in South Asia, where about 74% of economies examined cover physical, sexual, emotional, and economic abuse. This is also the case in 63% of economies in Latin America and the Caribbean, 44% in East Asia and the Pacific, 37% in Sub-Saharan Africa and 25% of OECD high-income economies.

In 2014, Lebanon adopted Law 293 on the Protection of Women and Family Members from Domestic Violence—the only law in the Middle East and North Africa to cover all four forms of violence. Additionally, Italy and FYR Macedonia, amended their domestic violence legislation to cover financial violence, and Belarus, Latvia, Saudi Arabia and Tonga enacted new laws on domestic violence.

**BOX 1.5** DEFINING DOMESTIC VIOLENCE

Domestic violence is gender-specific violence, commonly directed against women, occurring in the family and in interpersonal relationships. Interpersonal relationships can refer to partners who do not live together or are not married. The abuse can be physical, emotional or psychological, sexual, or financial or economic:

- *Physical violence* is any intentional behavior that offends a woman's bodily integrity or health.
- *Emotional or psychological violence* is any conduct or behavior that causes emotional damage, reduces self-worth or self-esteem or aims at degrading or controlling a woman's actions, behaviors, beliefs and decisions by means of threat, embarrassment, humiliation, manipulation, isolation, constant surveillance or pursuit, insult, intimidation, blackmail, ridicule, exploitation or any other behavior that damages a woman's psychological health.
- *Sexual violence* is any conduct or behavior that forces a woman to witness, maintain or participate in unwanted sexual contact or behavior by means of intimidation, threat, coercion or use of force, including sexual assault, marital rape or forcing any type of sexual activity without consent.
- *Financial or economic violence* is any conduct or behavior involving the use or misuse of the partner's consent regarding their financial resources or assets, including the deprivation, retention or subtraction of money or property or by other means making or attempting to make a woman financially dependent by maintaining control over financial resources.

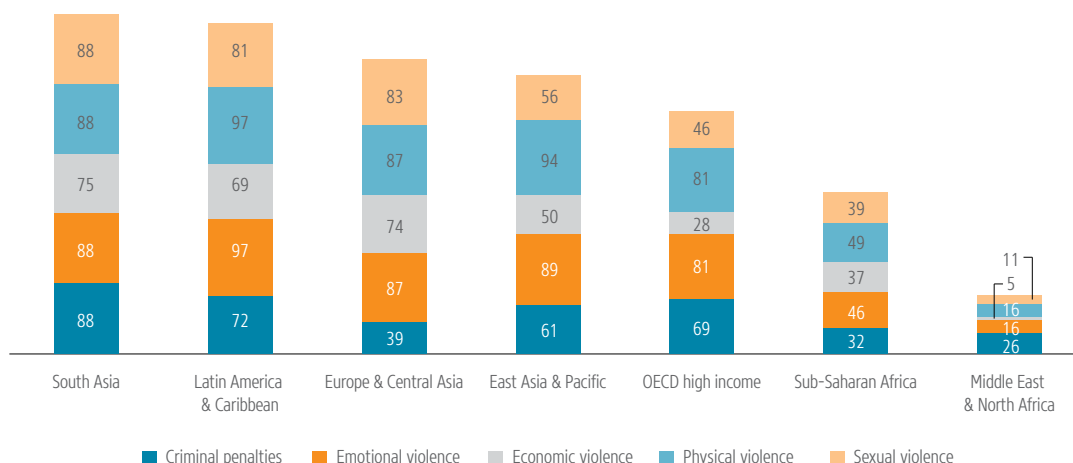
Source: United Nations General Assembly, *Declaration on the Elimination of Violence against Women*, December 20, 1993; United Nations Economic and Social Council 1996; UNHCR 2005; United Nations 2010.

However, in many economies, women still have no legal protection. In fact, 46 out of the 173 covered economies have yet to enact laws to address domestic violence (figure 1.14). Seven economies—Belgium, Canada, Estonia, Iceland, Morocco, the Netherlands and Tunisia—have no explicit laws on domestic violence but have addressed the issue by intensifying penalties

when criminal offences are committed against spouses or within the family.

In economies which have neither enacted legislation on domestic violence nor increased penalties for intra-family violence, violence within the family can still be prosecuted under general criminal laws such as assault. However, specific laws on

**FIGURE 1.14** COVERAGE AND SCOPE OF DOMESTIC VIOLENCE LAWS, BY PERCENTAGE OF ECONOMIES IN A REGION



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

Note: Data indicate percentage of economies in a region with legislation.



domestic violence provide clarity by addressing the unique elements of intra-family violence and incorporate mechanisms to protect and support women seeking assistance.

In Latin American and the Caribbean, East Asia and the Pacific and South Asia, only Haiti, Myanmar and Afghanistan have no laws on domestic violence. In Europe and Central Asia, Armenia, Russia and Uzbekistan have no laws on domestic violence.

Legislation on domestic violence is less prevalent in the Middle East and North Africa, where only 4 out of 19 economies covered have enacted such laws, and in Sub-Saharan Africa, where about half of the covered economies have done so.

Over the past 25 years, the number of economies introducing laws addressing domestic violence has risen precipitously from close to zero, to 118. This increase has been driven by international and regional human rights conventions and campaigns (figure 1.15).

### Protection orders: Making laws more effective

Protection orders are among the most effective remedies available to victims of violence.<sup>36</sup> A 2009 study conducted in the United States, shows that protection orders are effective in reducing violence while increasing the victim's safety, and further have a positive impact in terms of cost savings for the state.<sup>37</sup> In 124 of 173 economies, victims of domestic violence may seek such measures to limit an abuser's behavior. Where protection orders exist, they generally allow for removal of the perpetrator

from the common home and prohibit contact with the victim. Albania's Law on Measures against Violence in Family Relations, for example, provides for ordering the perpetrator to leave the common home and pay rent for the victim's residence. There are similar provisions in 113 other economies covered, and in 94% of the economies that have protection orders, the perpetrator can be prohibited from contacting the victim.

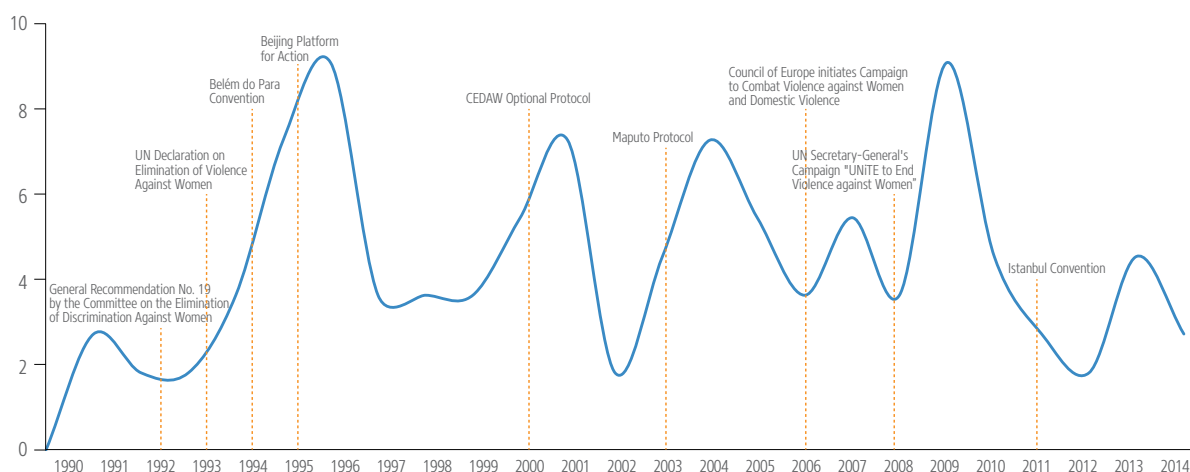
Establishing specialized courts or procedures for domestic violence cases may make legal action more effective. Approaches taken include setting up dedicated courts to handle all domestic violence cases, establishing fast-track procedures or authorizing specific orders of protection for domestic violence cases.

For example, Brazil's Maria da Penha Law provides for the creation of domestic and family violence courts. In Nepal, the supreme court mandated the establishment of fast-track courts in addition to the in-camera hearings that the Domestic Violence Crime and Punishment Act provides for.<sup>38</sup> Of the 173 economies covered, 117 have specialized courts or procedures for domestic violence cases.

### Sexual harassment

Although women are statistically at greater risk of violence from an intimate partner, sexual harassment and other forms of sexual violence are common in many settings. Globally, 7% of women have been sexually assaulted by someone other than a partner. In New Zealand and Australia, 10% to 20% of women have experienced sexual violence from non-partners.<sup>39</sup> Women who have experienced

**FIGURE 1.15 ECONOMIES INTRODUCING LAWS ON DOMESTIC VIOLENCE**



Source: Women, Business and the Law database.



this are 2.3 times more likely to have alcohol use disorders and 2.6 times more likely to suffer from depression or anxiety.<sup>40</sup>

Sexual harassment is a common form of sexual violence against women. It affects women and girls not only at work and in educational institutions but also in public places. Within European Union economies, for example, 40% to 50% of women have experienced unwanted sexual advances, physical contact or other forms of sexual harassment at work.<sup>41</sup>

*Women, Business and the Law* data show that 41 economies out of the 173 examined have no laws against sexual harassment. Where laws do exist, they vary in the areas covered, such as employment, education and public places. Specific provisions covering sexual harassment in employment are the most common, having been enacted in 114 economies.

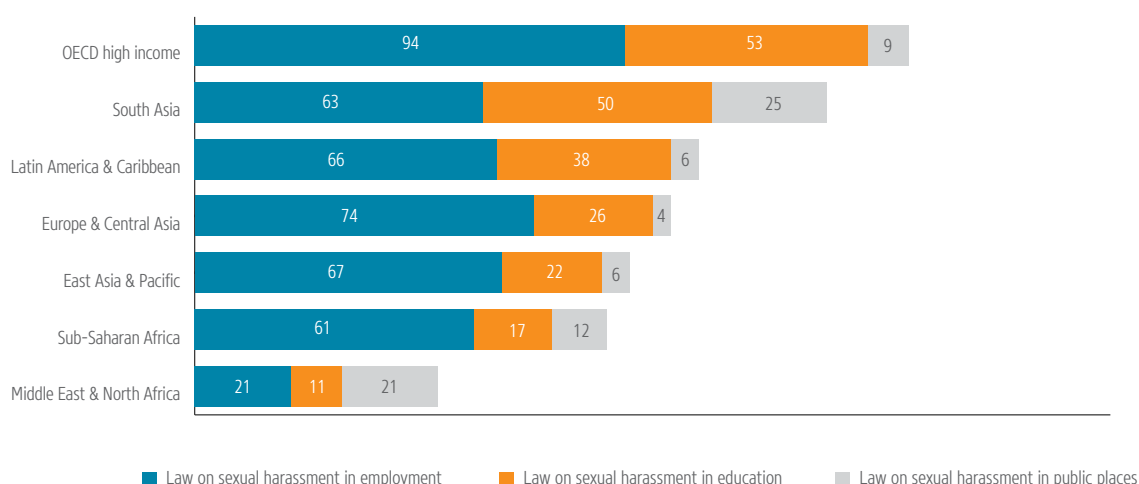
Laws on sexual harassment in education are less common: only 52 economies specifically protect girls from sexual harassment in schools. And only 18 economies specifically protect women from sexual harassment in public places. These laws are most prevalent in South Asia and the Middle East and North Africa (figure 1.16). The French government recently unveiled measures to curb sexual harassment in public transportation after a poll in which 100% of women surveyed said they had been confronted with the problem. Measures include introducing an emergency telephone number to report harassment and the creation of an app to geo-locate reported incidents.<sup>42</sup>

Recently, Egypt amended its criminal code to apply to sexual harassment. Peru introduced legislation on sexual harassment in public spaces, and Mozambique introduced legislation on sexual harassment in education.

### Where laws fail to fully protect women

In recent years, regional and international human rights instruments have recognized the need for legal protection and called for enactment of laws covering all forms of violence against women. Despite progress, however, some economies still have no legal protections against domestic violence or sexual harassment. *Women, Business and the Law* data show that 18 economies have no legislation in either area: Afghanistan; Cameroon; Chad; Republic of Congo; Djibouti; Equatorial Guinea; Gabon; Guinea; Haiti; Islamic Republic of Iran; Liberia; Mali; Mauritania; Oman; Russia; South Sudan; Swaziland; and Uzbekistan.

**FIGURE 1.16** SEXUAL HARASSMENT LAWS, BY PERCENTAGE OF ECONOMIES IN A REGION



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

Note: Data indicate percentage of economies in a region with legislation.

## Notes

- 1 World Bank 2011; UN Women 2015.
- 2 Miller 2008.
- 3 Historical Data: 50 Years of Women's Rights data, Women, Business and the Law, available at: <http://wbl.worldbank.org/data/timeseries>.
- 4 Demircuc-Kunt, Klapper and Singer 2013.
- 5 Chattopadhyay and Duflo 2004.
- 6 Chen 2010.
- 7 Credit Suisse 2012.
- 8 "Boards without Women Breed Scandal," Sophia Grene and Chris Newlands, *Financial Times*, March 8, 2015, <http://www.ft.com/intl/cms/s/0/cdb790f8-c33d-11e4-ac3d-00144feab7de.html#axzz3k2S6jnmR>.
- 9 The European Commission proposed a Directive to increase gender parity on corporate boards. The Commission, with the support of the European Parliament, recommends the adoption of binding legislation introducing measures to achieve representation of 40% of the under-represented sex in non-executive positions on the boards of publicly listed companies (excluding small and medium enterprises), though the directive does not use the word quota, instead recommending that companies establish criteria to attain the percentage. Member states would have to meet the target by 2020.
- 10 Allendorf 2007; Duflo 2003; Swaminathan, Lahoti and Suchitra, 2012.
- 11 Friedemann-Sánchez 2008; Deere and León 2001, 2003.
- 12 Deere and León 2003; Quisumbing and Hallman 2005; Deere and Doss 2006.
- 13 Ali, Deininger and Goldstein 2015.
- 14 Goldstein and Udry 2008.
- 15 FAO 2011.
- 16 Oduro 2014.
- 17 Deininger, Goyal and Nagarajan 2010; Deininger and others 2014.
- 18 World Bank 2013.
- 19 Note that Global Findex data do not distinguish between joint and individual bank accounts, so it is impossible to say whether a woman shares a bank account with her husband or has her own account.
- 20 Lebedev and Radevich 2014; Oglobin 1999.
- 21 Decision of the Supreme Court of the Russian Federation of 21 May 2009 N KAC09-196 available at: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_88941/](http://www.consultant.ru/document/cons_doc_LAW_88941/).
- 22 "Global Banking Alliance for Women Announces Partnership to Close Gender Data Gap in Finance," Multilateral Investment Fund, New York, December 15, 2014, <http://www.fomin.org/en-us/Home/News/PressReleases/ArtMID/3819/ArticleID/2769/Global-Banking-Alliance-for-Women-announces-partnership-to-close-gender-data-gap-in-finance.aspx>.
- 23 "Lindy Boggs, Longtime Representative and Champion of Women, Is Dead at 97," Douglas Martin, *New York Times*, July 27, 2013, [http://www.nytimes.com/2013/07/28/us/politics/lindy-boggs-longtime-representative-from-louisiana-dies-at-97.html?\\_r=1](http://www.nytimes.com/2013/07/28/us/politics/lindy-boggs-longtime-representative-from-louisiana-dies-at-97.html?_r=1).
- 24 Sex Discrimination Act 1984, Sec. 22.
- 25 UN Women 2011.
- 26 Peresie 2005.
- 27 Hallward-Driemeier and Hasan 2012.
- 28 Gloppen and Kanyongolo 2007.
- 29 Djankov, La Porta, Lopez-de-Silanes and Shleifer 2003.
- 30 Zucker and Herr 2003.
- 31 Yew 2008.
- 32 Klugman et al. 2014.
- 33 Klugman et al. 2014.
- 34 WHO 2013.
- 35 WHO 2013.
- 36 United Nations 2010.
- 37 Logan, Walker, Hoyt and Faragher 2009.
- 38 "Nepal: Fast-Track Courts Ordered for Cases Involving Women, Children," The Library of Congress, [http://www.loc.gov/lawweb/servlet/lloc\\_news?disp3\\_l205401837\\_text](http://www.loc.gov/lawweb/servlet/lloc_news?disp3_l205401837_text).
- 39 United Nations 2006.
- 40 WHO 2013.
- 41 United Nations 2006.
- 42 "France Unveils Plan to Tackle Sexual Harassment," *The Local*, July 9, 2015, <http://www.thelocal.fr/20150709/france-to-tackle-sexual-harassment-on-transport>.

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*Women, Business and the Law 2016* examines laws and regulations affecting women's prospects as entrepreneurs and employees across 173 economies. The report's quantitative indicators are intended to inform policy discussions on how to remove legal restrictions on women and promote research on how to improve women's economic inclusion.

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