



**Women,  
Business  
and the Law**



# **Women's Entrepreneurship and the Legal Environment**

**Sarah Iqbal**

**April 23, 2013**

***Removing barriers to economic inclusion***

# What is *Women, Business and the Law*?

- Research on the business environment has helped us to better understand the obstacles that entrepreneurs and employees face in general when it comes to starting businesses and getting jobs.

## But what about obstacles that are specific to women?

- The *Women, Business and the Law* (WBL) project examines laws and regulations differentiating between men and women in ways that may affect women's opportunities and incentives to work. It pioneers the measurement of the gender gap in policy variables using quantitative and objective data.
- The first *Women, Business and the Law* report was launched in March 2010, the second report was launched in September 2011 and the third edition will be launched in Fall 2013.

# Women, Business and the Law Indicators

Indicator	Coverage
<b>Accessing Institutions</b>	Explores women's legal ability to interact with public authorities and the private sector in the same ways as men
<b>Using Property</b>	Analyzes women's ability to access and use property based on their capacity to own, manage, control and inherit it
<b>Getting a Job</b>	Examines restrictions on women's working hours and industries; covers work related maternity, paternity and parental leave benefits; and retirement and pensionable ages
<b>Providing Incentives to Work</b>	Covers personal income tax liabilities, including credits and deductions available to women relative to men and examines the public provision of childcare and education
<b>Building Credit</b>	Identifies minimum loan thresholds in private credit bureaus and public credit registries and tracks bureaus and registries that collect information from microfinance institutions
<b>Going to Court</b>	Considers the ease and affordability of justice by examining women's access to small claims courts. Also examines women's capacity to file cases in a court of law

The indicators are legally based and laws are available online

measuring gender parity in 141 economies



# Why do These Areas Matter for Women's Economic Opportunities?

- **Lack of autonomy to interact with government institutions or conduct official transactions** can restrict women's ability to freely function in the business environment. E.g. head of household requirements which bar women from becoming the legal head of household can restrict their access to higher pension benefits, cause them to pay higher taxes, and limit their access to government services.
- **Often marriage is the trigger that limits women's individual autonomy** because married women can be subject to additional approval requirements to conduct business transactions, or must meet higher legal standards to get the same treatment as men.
- **Access to property can be especially important when it comes to financing entrepreneurial activities** as property functions as collateral for loans. When established credit histories are lacking, access to property may be their only way to get start up capital.
- **The default marital property regime establishes how the management and control of property is set up within the family.** Where the default marital property regime sets up unequal management and control of marital property, women may not be able to utilize property they actually own.

# Each question links back to the legal source



**Congo, Dem. Rep.** 2011

Population	67,827,495
Region	Sub-Saharan Africa
Income Group	Low income
Female Population	33,302,747
% of Women in the Workforce	58%

FIND DATA FOR AN ECONOMY OR TOPIC

Select an Economy

Select a Topic

- Indicates more information is available EXPORT TO EXCEL

Accessing Institutions	Using Property	Getting a Job	Providing Incentives to Work	Building Credit	Going to Court
------------------------	----------------	---------------	------------------------------	-----------------	----------------

QUESTION	ANSWER	SOURCE
<b>Passports &amp; Citizenship</b>		
Can an unmarried woman apply for a passport in the same way as a man?	Yes	Passport application forms
Can a married woman apply for a passport in the same way as a man?	Yes	Passport application forms
Can an unmarried woman confer citizenship on her children in the same way as a man?	Yes	Loi 04/24 Relative à la Nationalité Congolaise, Art. 7
Can a married woman confer citizenship on her children in the same way as a man?	Yes	Loi 04/24 Relative à la Nationalité Congolaise, Art. 7
Can a woman convey citizenship to her non-national spouse in the same way as a man?	Yes	Loi 04/24 Relative à la Nationalité Congolaise, Art. 19
<b>Travel &amp; Movement</b>		
Can an unmarried woman travel outside the country in the same way as a man?	Yes	No restrictions could be located
Can a married woman travel outside the country in the same way as a man?	Yes	No restrictions could be located
Can an unmarried woman travel outside her home in the same way as a man?	Yes	No restrictions could be located
Can a married woman travel outside her home in the same way as a man?	Yes	No restrictions could be located
<b>Jobs and Businesses</b>		
Can an unmarried woman get a job or pursue a trade or profession in the same way as a man?	Yes	No restrictions could be located
Can a married woman get a job or pursue a trade or profession in the same way as a man?	No	Code de la Famille, Art. 448
Can an unmarried woman register a business in the same way as a man?	Yes	No restrictions could be located
Can a married woman register a business in the same way as a man?	No	Code de la Famille, Art. 450

# How Legal Restrictions can Function in Practice

Autorisation Nuptiale

Je soussigné, [REDACTED]  
[REDACTED] autorise par la présente, mon  
épouse, Madame [REDACTED] à  
obtenir les documents nécessaires en  
vue de l'exercice de activités commerciales.

En foi de quoi, la présente lui  
est délivrée pour être présentée à fin de  
obtenir pour les formalités d'usage  
nécessaires.

Fait à Kinshasa, le 22/01/2012  
[REDACTED]

[Signature]

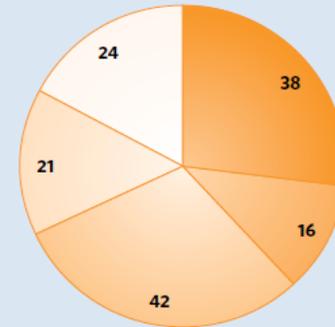
# Gender inequality is still persistent across the world

In **103** of the economies covered, there exists at least one legal difference between men and women that may hinder women's economic opportunities.

- Only 38 economies of the 141 covered set equal rights for women and men in 45 key areas (21 for unmarried and 23 for married women).

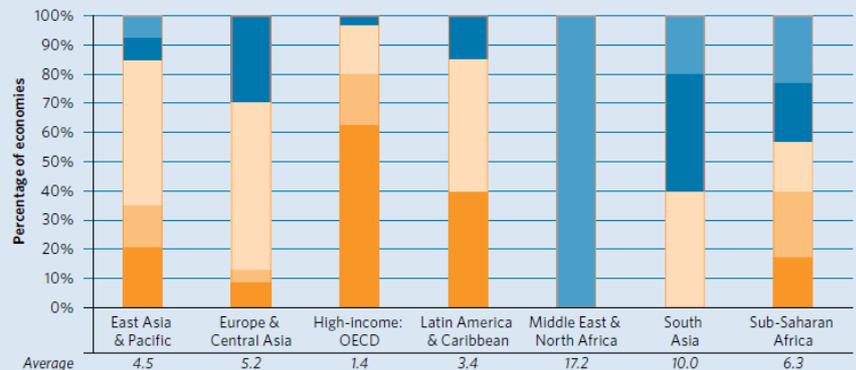
MENA is the region with most differentiations of all regions. All 14 MENA economies covered in the report have at least 10 differentiations out of the 45 measured.

- South Asia is the second regarding the number of differentiations followed by Sub-Saharan Africa.



Legal differentiations: 0 1 to 3 4 to 6 7 to 9 10 and above

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



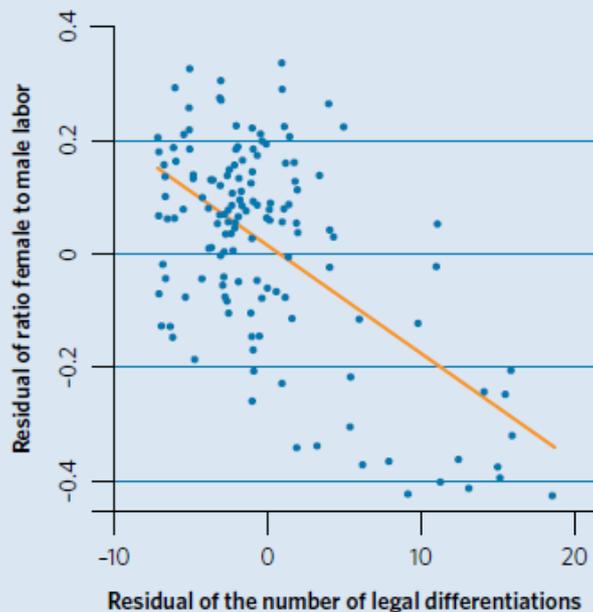
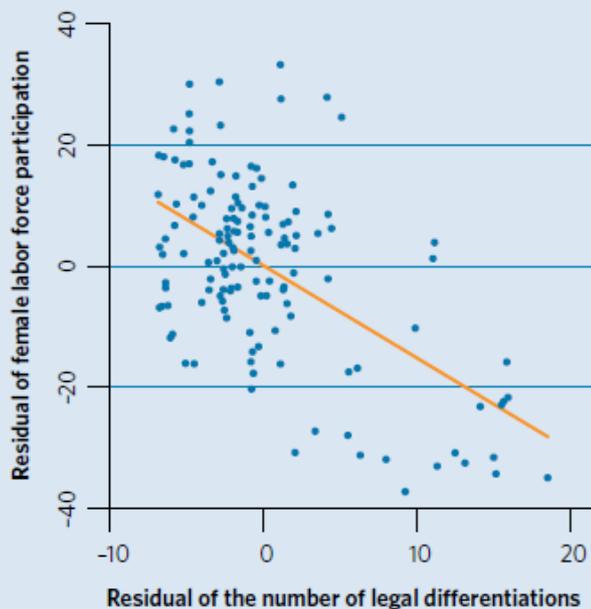
Legal Differentiations: 0 1 to 3 4 to 6 7 to 9 10 and above

Note: The averages are the average number of legal differentiations per region.

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

# With greater legal differentiation fewer women work, own or run businesses

- Women globally represent 49.6% of the total population but only 40.8% of the total workforce in the formal sector.
- The *Women, Business and the Law* data show that economies with higher levels of legal differentiation between men and women have, on average, lower female formal labor force participation—both in absolute terms and relative to men—and lower levels of women’s entrepreneurship.



# The Impact of Reforming Family Law—the Case of Ethiopia

- Ethiopia reformed its family law in 2000 in a variety of ways, including removing the husband's ability to deny his wife permission to work, and requiring the consent of both spouses to administer marital property.
- The reform was initially rolled out in 3 of Ethiopia's 9 regions, allowing for a comparison of the regions which reformed vs. those that did not.
- Where the reform occurred, there was a shift in women's economic activities, including increases in women's participation in work outside the home, in paid and full-time work, and higher skilled work. (Hallward-Driemeier and Gajigo, 2011)

# How WBL Can be Used as a Tool: Cooperation with the MCC

- In their revised selection criteria, the United State's MCC used *Women, Business and the Law's* Accessing institutions indicator for their *Gender in the Economy* measure.
- As a result *Women, Business and the Law* received several inquiries from governments who did not perform well on how to reform laws which are restrictive towards women.
- Government's such as Senegal, Lesotho, Sierra Leone, Cote d'Ivoire, Cameroon, Niger, and Honduras have asked how they can improve.

# Overall Economies are Changing to Increase Gender Parity

- Since June 2009, 36 economies out of 141, instituted a total of 46 changes in legislation, 41 of which were towards more gender parity, four of which were neutral, and one of which was a change away from gender parity.
- **Kenya** was the most active reformer making changes in 3 areas: accessing institutions, using property and in going to court.

	Changes towards more gender parity	Changes away from gender parity	Changes neutral to gender parity
<b>Accessing institutions</b>	Kenya, Tunisia		
<b>Using property</b>	Kenya		
<b>Getting a job</b>	Albania, Australia, Belgium, Bulgaria, Chile, Estonia, Greece, Japan, Mongolia, Peru, Philippines, Poland, Rwanda and Syrian Arab Rep.	Bolivia	Azerbaijan, Jordan, Norway, and Latvia
<b>Building credit</b>	Albania, Azerbaijan, Ghana, Jordan, Mauritania, Moldova, Mongolia, Papua New Guinea, Syrian Arab Rep., Uganda and Yemen, Rep.		
<b>Providing incentives to work</b>	None that impacted <i>Women, Business and the Law</i> indicators		
<b>Going to court</b>	Belarus, Botswana, Brazil, Canada, Honduras, Italy, Kenya, Mexico, New Zealand, Puerto Rico (U.S.), Romania, South Africa and Venezuela, RB		

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

# So What is Next?

- The 2013 edition of the *Women, Business and the Law* report will update the current data, track reforms, and include new information on laws and regulations which affect women's entrepreneurship.
- In conjunction with UNWomen we will also be examining the legal environment relating to violence against women in three different areas:
  - Sexual harassment in the workplace
  - Harassment in public spaces
  - Domestic violence

# wbl.worldbank.org



## WOMEN, BUSINESS AND THE LAW

CREATING ECONOMIC OPPORTUNITY FOR WOMEN

DATA | REPORTS | METHODOLOGY | RESEARCH | REFORMS | LAW LIBRARY | ABOUT US | CONTRIBUTORS | PRESS

### Where are laws equal for men and women?

FIND DATA FOR AN ECONOMY OR TOPIC

Select an Economy

Select a Topic

*Women, Business and the Law* presents indicators based on laws and regulations affecting women's prospects as entrepreneurs and employees, in part drawing on laws contained in the Gender Law Library. Both resources can inform research and policy discussions on how to improve women's economic opportunities and outcomes.

#### New report! Download *Women, Business & the Law 2012*

#### Recent Reforms [Read about reforms »](#)

TOPIC	CHANGES TOWARDS MORE GENDER PARITY
▶ Accessing institutions	Kenya, Tunisia
▶ Using property	Kenya
▶ Getting a job	Albania, Australia, Belgium, Bulgaria, Chile, Estonia, Greece, Japan, Mongolia, Peru, Philippines, Poland, Rwanda and Syrian Arab Rep.
▶ Building credit	Albania, Azerbaijan, Ghana, Jordan, Mauritania, Moldova, Mongolia, Papua New Guinea, Syrian Arab Rep., Uganda and Yemen, Rep
▶ Going to court	Belarus, Botswana, Brazil, Canada, Honduras, Italy, Kenya, Mexico, New Zealand, Puerto Rico (U.S.), Romania, South Africa and Venezuela, RB

**DOWNLOAD THE REPORT**



*Women, Business and the Law 2012* measures legal gender parity for entrepreneurs and workers in 141 economies across six topics.

**RELATED WEBSITES**

- ▶ IFC Women in Business Program
- ▶ Millennium Development Goals
- ▶ UN Convention on the Elimination of All Forms of Discrimination against Women
- ▶ Wikigender
- ▶ World Bank Gender and Development

**RELATED DATABASES**

- ▶ Enterprise Surveys: Firm-level data
- ▶ ILO Maternity Protection Database
- ▶ UN Gender Info 2007
- ▶ World Bank GenderStats
- ▶ World Development Indicators

# Thank you!

measuring gender parity in 141 economies

Women,  
Business  
and the Law

