



**Women,
Business
and the Law**



Women, Business and the Law 2014

Removing Restrictions to Enhance Gender Equality



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* 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.

Women, Business and the Law Indicators



Accessing institutions	Explores women's legal ability to interact with public authorities and the private sector in the same ways as men.
Using property	Analyzes women's ability to own, manage, control and inherit property.
Getting a job	Assesses restrictions on women's work, such as prohibitions on working at night or in certain industries.
Providing incentives to work	Examines personal income tax liabilities, taking into account tax credits and deductions available to women relative to men.
Building credit	Identifies minimum loans tracked by private credit bureaus and public credit registries and assesses bureaus and registries that collect information from microfinance institutions.
Going to court	Examines access to small claims courts and data on whether women's testimony in court is given the same evidentiary weight as that of men.
Protecting women from violence	Examines laws on domestic violence and the existence and scope of laws on sexual harassment.

Why do these areas matter for women's economic opportunities ?

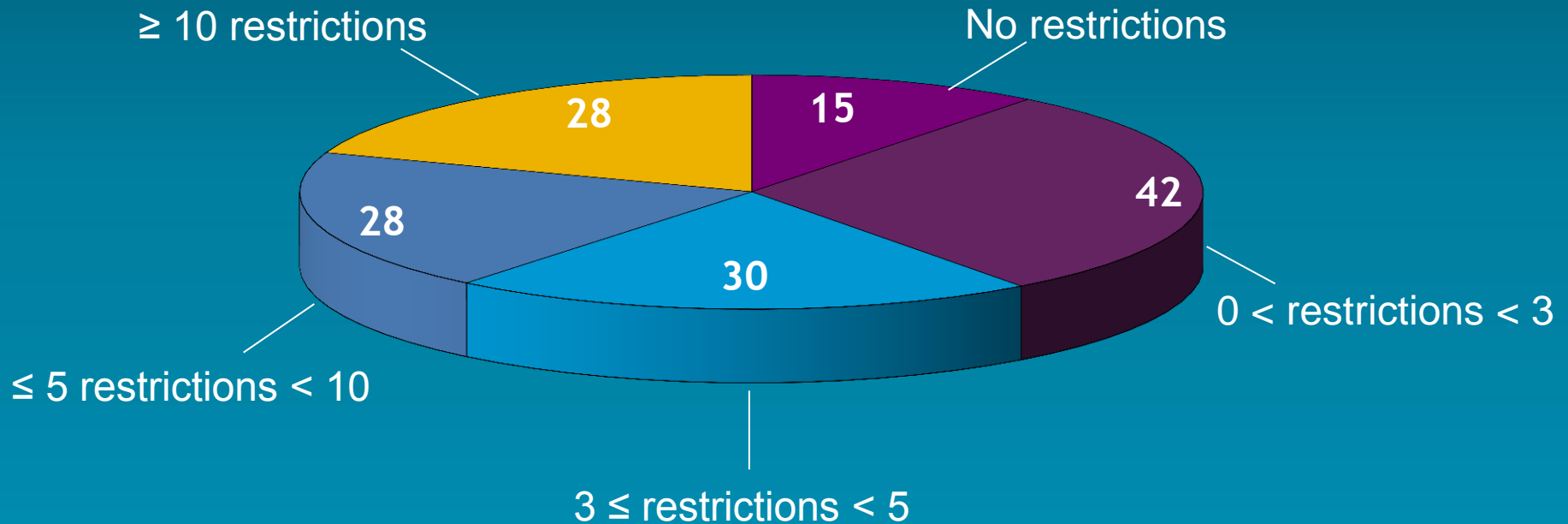


- Lack of autonomy to interact with government institutions or conduct official transactions can restrict women's ability to freely function in the business environment. E.g. head of household requirements which bar women from becoming the legal head of household can restrict their access to higher pension 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.

Numbers of gender legal differences vary by economy



- Almost 90% of the 143 economies covered by *Women, Business and the Law 2014* have at least one legal difference restricting women's economic opportunities.



- Among 28 economies that have 10 and more restrictions, 25 are in the Middle East and North Africa and Sub-Saharan Africa.

Source: *Women, Business and the Law* database

In 79 economies legislation restricts the types of jobs women can do



- The lengthiest lists of restrictions on women's employment are in Eastern Europe and Central Asia.

Economies	Number of specific jobs from which women are barred	Examples
Belarus	252	Diver; porter; lumberjack; carpenter; stonecutter; repairer of wagons; transporting timber; tractor-driver; direct firefighting and emergency response; aircraft mechanic (technician) of radio equipment; pouring steel; laying concrete and asphalt; cross-border driver of vehicles with 14 or more passengers or trucks weighing more than 5 tons; processing of fish and seafood involving hand-mixing fish in salting tanks.
Kazakhstan	299	Snowmobile driver; metal welder; machinist for diesel trains, locomotives, and electric multiple unit trains; railway fitter; operating cranes at sea; stoker of ship operating on solid fuel; drilling for oil and gas for developmental and exploration purposes; rubber-mixing equipment operator; blaster in mines; calibrator of pipes on the press; concrete products carver; presser of raw materials and fibers during initial processing of cotton; rescuer in gas emergencies; lumberjack.
Russian Federation	456	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.

Source: Women, Business and the Law database

46 Economies have Gender Differentiated Retirement Ages



	No difference	5 years	Less than 5 years	More than 5 years
Number of Economies	97	34	10	2
		Albania, Argentina, Belarus, Brazil, Chile, Colombia, Congo, Dem. Rep., El Salvador, Georgia, Honduras, Iran, Islamic Rep., Jamaica, Jordan, Kazakhstan, Kyrgyz Republic, Lao PDR, Madagascar, Mauritania, Moldova, Mongolia, Montenegro, Mozambique, Oman, Pakistan, Panama, Russian Federation, Saudi Arabia, Serbia, Sri Lanka, Tajikistan, Uzbekistan, Venezuela, RB, Vietnam, Yemen, Rep.	Angola, Azerbaijan, Bolivia, Bulgaria, Croatia, Israel, Macedonia, FYR, Romania, Switzerland, Turkey	Algeria (6 years) China (10 years)

9 economies have mandatory retirement ages that are gender differentiated

Algeria (6), Congo, Dem. Rep. (5), Mauritania (5), Mozambique (5), Romania (2), Saudi Arabia (5), Switzerland (1), Uzbekistan (5), Vietnam (5)

Married women legally cannot take actions in the same way as married men in some economies



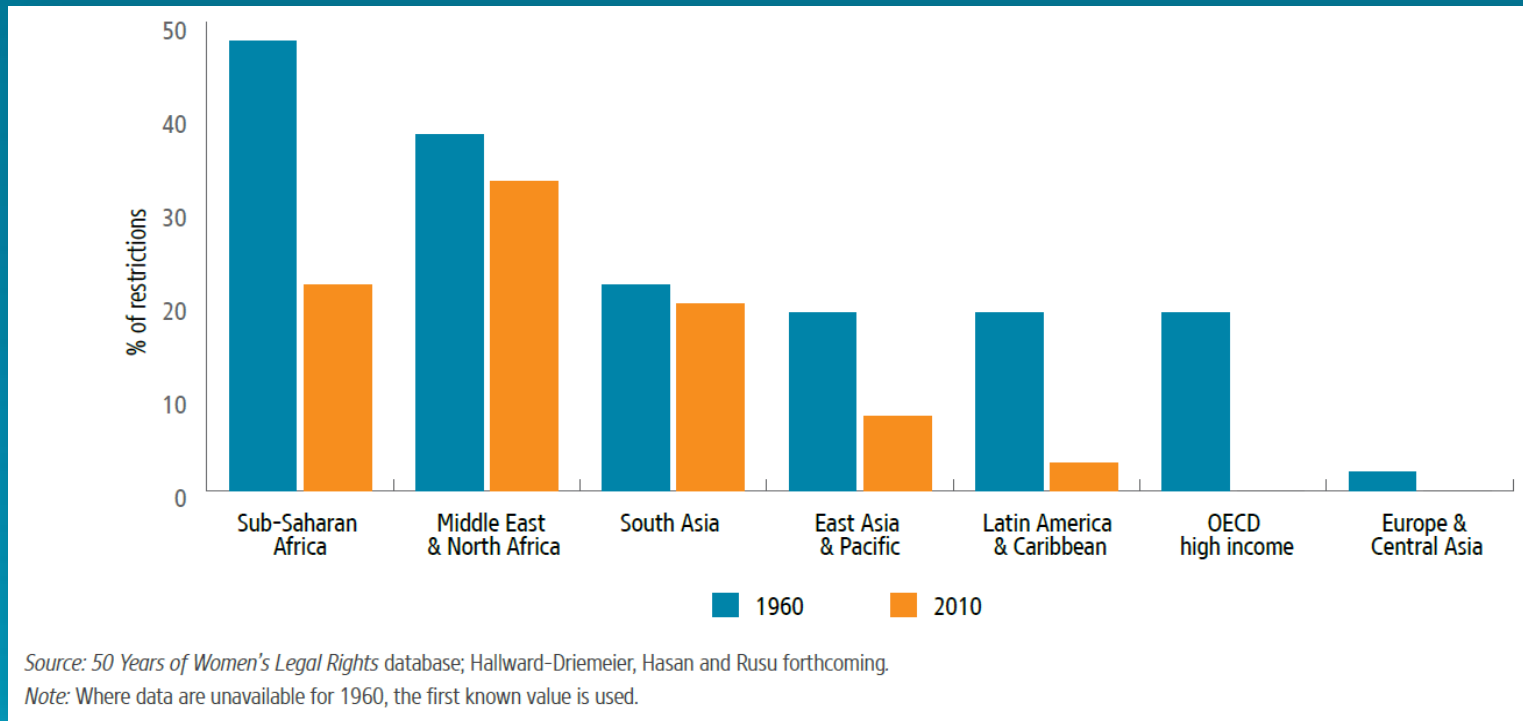
In 15 economies husbands can object to their wives working and prevent them from accepting jobs.

Action	Economies where married women do not perform the action the same way as married men
Be head of household	Benin; Burundi; Cameroon; Chad; Chile; Congo, Dem. Rep.; Congo, Rep.; Gabon; Guinea; Honduras; Indonesia; Iran, Islamic Rep.; Jordan; Madagascar; Mali; Mauritania; Morocco; Nicaragua; Niger; Oman; Philippines ; Rwanda; Saudi Arabia; Senegal; Sudan; Togo; Tunisia; United Arab Emirates; Yemen, Rep. (29)
Choose where to live	Benin; Burkina Faso; Cameroon; Chad; Congo, Dem. Rep.; Congo, Rep.; Gabon; Guinea; Haiti; Iran, Islamic Rep.; Jordan; Kuwait; Malaysia; Mali; Nicaragua; Niger; Oman; Rwanda; Saudi Arabia; Senegal; Sudan; Syrian Arab Republic; United Arab Emirates; West Bank and Gaza; Yemen, Rep. (25)
Apply for a passport	Benin; Botswana; Cameroon; Congo, Rep.; Egypt, Arab Rep.; Fiji; Gabon; Haiti; Iran, Islamic Rep.; Jordan; Kuwait; Malawi; Oman; Pakistan; Saudi Arabia; Sudan; Uganda; United Arab Emirates; Yemen, Rep. (19)
Confer citizenship on her children	Guinea; Iran, Islamic Rep.; Jordan; Kuwait; Lebanon; Madagascar; Malaysia; Mali; Mauritania; Nepal; Oman; Saudi Arabia; Sudan; Syrian Arab Republic; United Arab Emirates; West Bank and Gaza (16)
Get a job without permission	Bolivia; Cameroon; Chad; Congo, Dem. Rep.; Gabon; Guinea; Iran, Islamic Rep.; Jordan; Kuwait; Mauritania; Niger; Sudan; Syrian Arab Republic; United Arab Emirates; West Bank and Gaza (15)
Obtain a national identity card	Benin; Cameroon; Egypt, Arab Rep.; Mauritius; Oman; Pakistan; Saudi Arabia; Senegal; Togo (9)
Travel outside the home	Iran, Islamic Rep.; Jordan; Kuwait; Malaysia; Oman; Sudan; Syrian Arab Republic; West Bank and Gaza; Yemen, Rep. (9)
Travel outside the country	Oman; Saudi Arabia; Sudan; Syrian Arab Republic (4)
Open a bank account	Congo, Dem. Rep.; Niger (2)
Register a business	Congo, Dem. Rep.; Pakistan (2)
Sign a contract	Congo, Dem. Rep. (1)

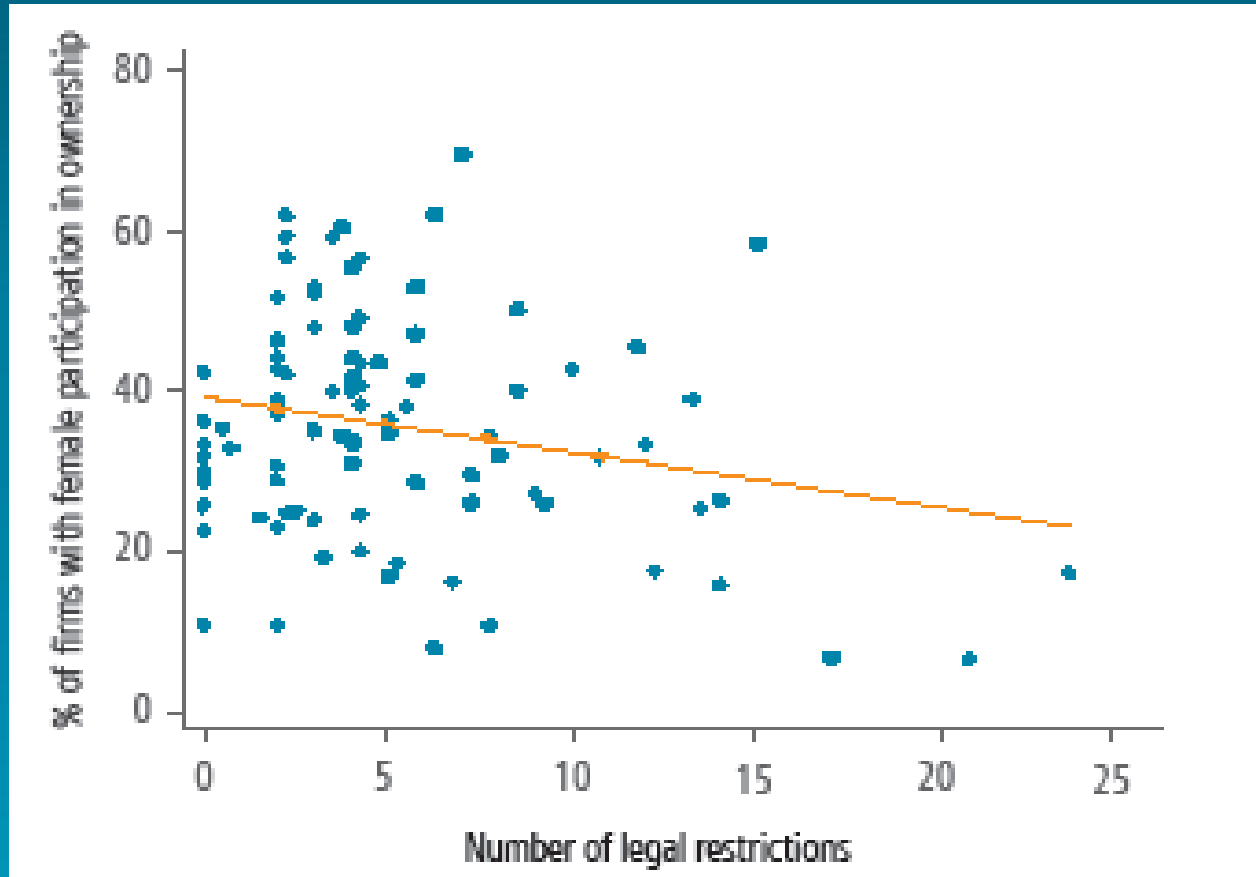
Source: Women, Business and the Law database.

Evolution of restrictions over the past 50 years in women's property rights and ability to make legal decisions

- More than half of the restrictions in place in 1960 had been removed by 2010.
- Restrictions in Sub-Saharan Africa, Latin America and the Caribbean, and East Asia and the Pacific were reduced by more than half, and in OECD high income economies and Eastern Europe and Central Asia they were eliminated entirely. In South Asia and the Middle East and North Africa the least reforms occurred.

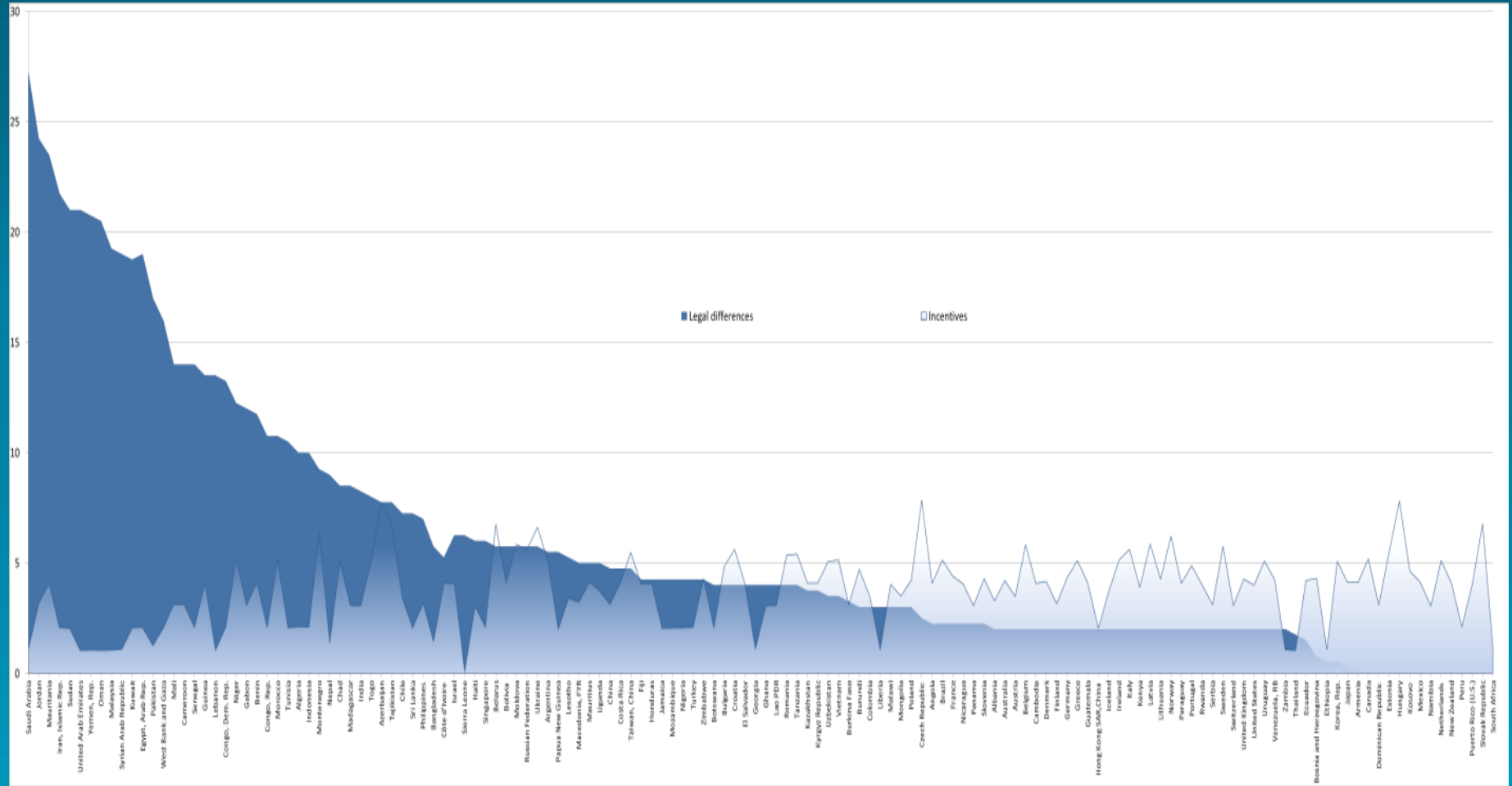


Gender-based legal restrictions are associated with lower female participation in the ownership of firms



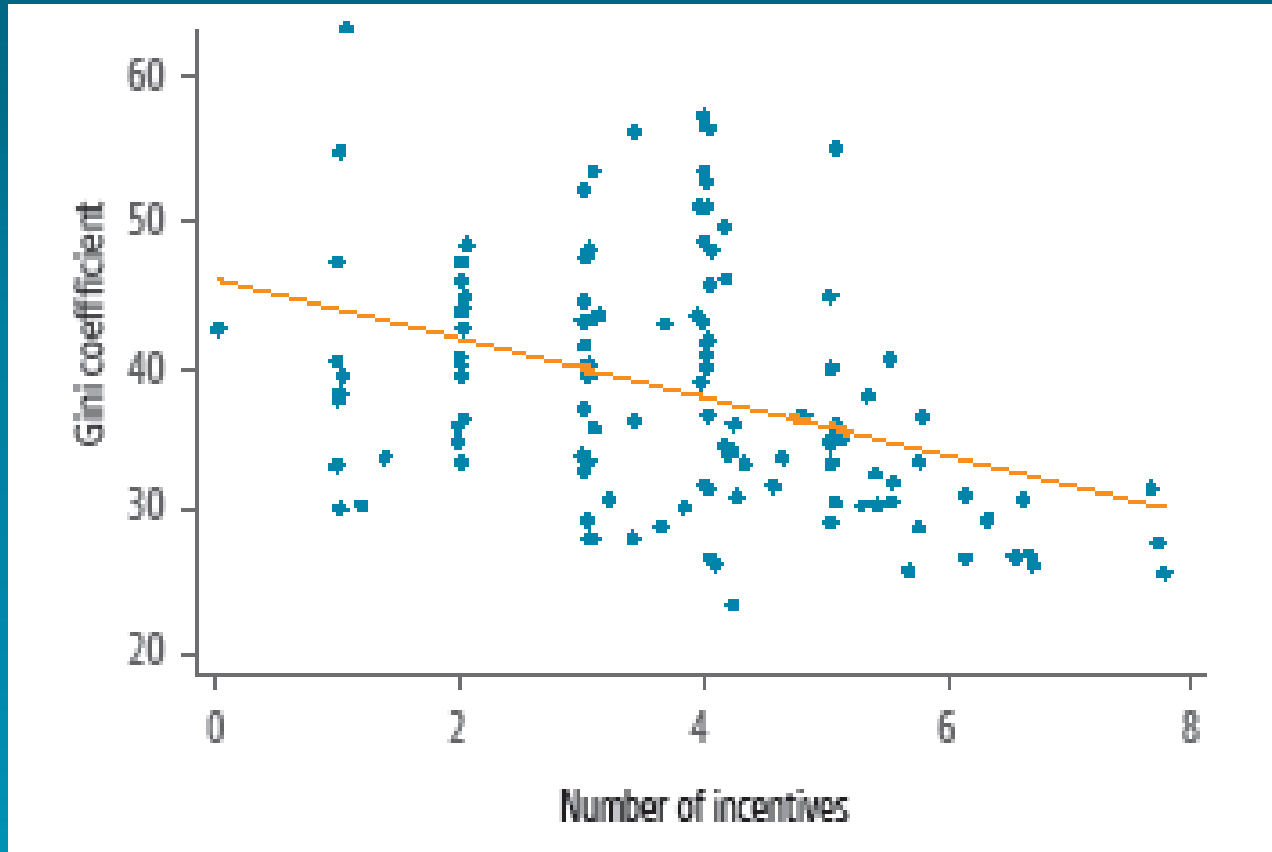
Source: Women, Business and the Law database, Enterprise Surveys database, World Development Indicators database

Economies with more restrictions also tend to provide fewer incentives



Source: Women, Business and the Law database

Economies that provide more incentives for women to work have greater income equality



Source: Women, Business and the Law database, World Development Indicators database, All the Ginis dataset

Economies are changing to increase gender parity in the law



- Over a two year period, *Women, Business and the Law* recorded 59 legal changes in 44 economies. Of these changes 48 increased gender parity, 11 were neutral to gender parity and none reduced gender parity.

<i>Women, Business and the Law</i> indicator	Changes increasing gender parity	Changes neutral to gender parity	Changes reducing gender parity
Accessing institutions	Botswana; Côte d'Ivoire; Jamaica; Mali; Syrian Arab Republic; Togo; Zimbabwe		
Using property	Mali		
Getting a job	Belgium; Bolivia; Chile; China; Colombia; Ethiopia; Hungary; Italy; Lithuania; Malawi; Mexico; Montenegro; Norway; Philippines; Poland; Slovak Republic; Slovenia; Ukraine; Venezuela, RB; Vietnam	Belgium; Finland; Hungary; Italy; Latvia; Lithuania; Malaysia; Netherlands; Poland; United Kingdom	
Building credit	Algeria; Angola; Cambodia; Egypt, Arab Rep.; Ethiopia; Ghana; Kenya; Lao PDR; Macedonia, FYR; Mauritius; Philippines; Tajikistan; Vietnam		
Providing incentives to work	Côte d'Ivoire; Israel		
Going to court	Latvia; Netherlands; Slovak Republic; Uganda; United Kingdom	Malaysia	

Source: *Women, Business and the Law* database

The impact of reforming family law: the case of Ethiopia



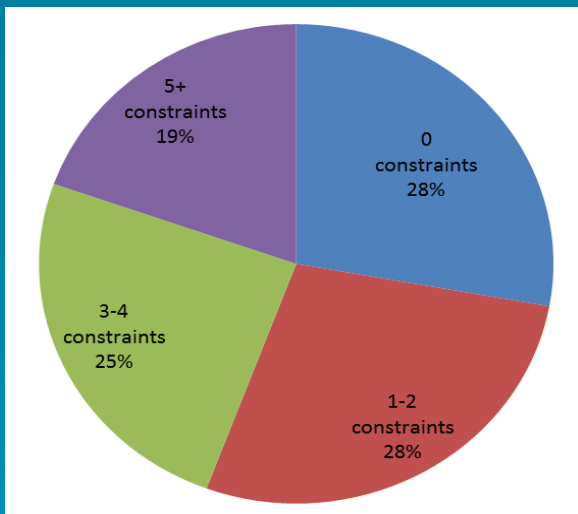
- Ethiopia reformed its family law in 2000 in a variety of ways, including removing the husband's ability to deny his wife permission to work, and requiring the consent of both spouses to administer marital property.
- The reform was initially rolled out in 3 of Ethiopia's 9 regions, allowing for a comparison of the regions which reformed vs. those that did not.
- Where the reform occurred, there was a significant shift in women's economic activities, including increases in women's participation in work outside the home, full-time work, and higher skilled work (Hallward-Driemeier, 2010)

CEDAW helped catalyze reforms

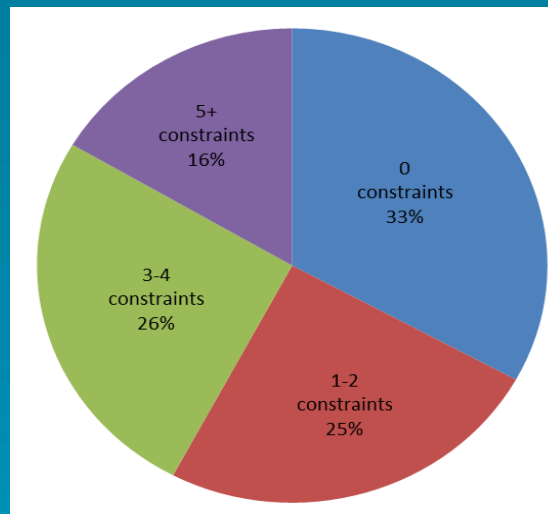


- Rates of reform doubled within 5 years of ratifying CEDAW

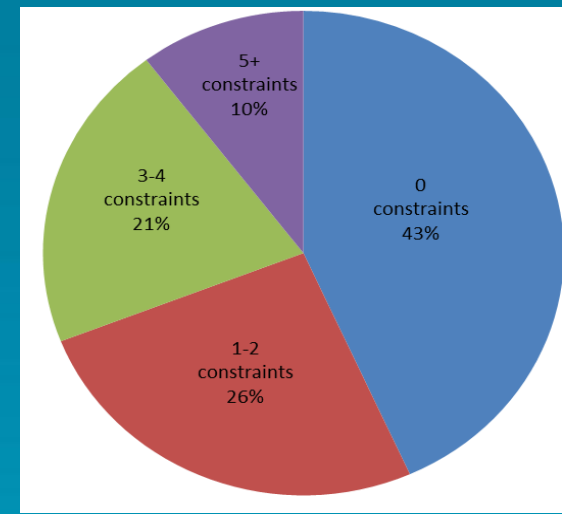
15 years before CEDAW ratification



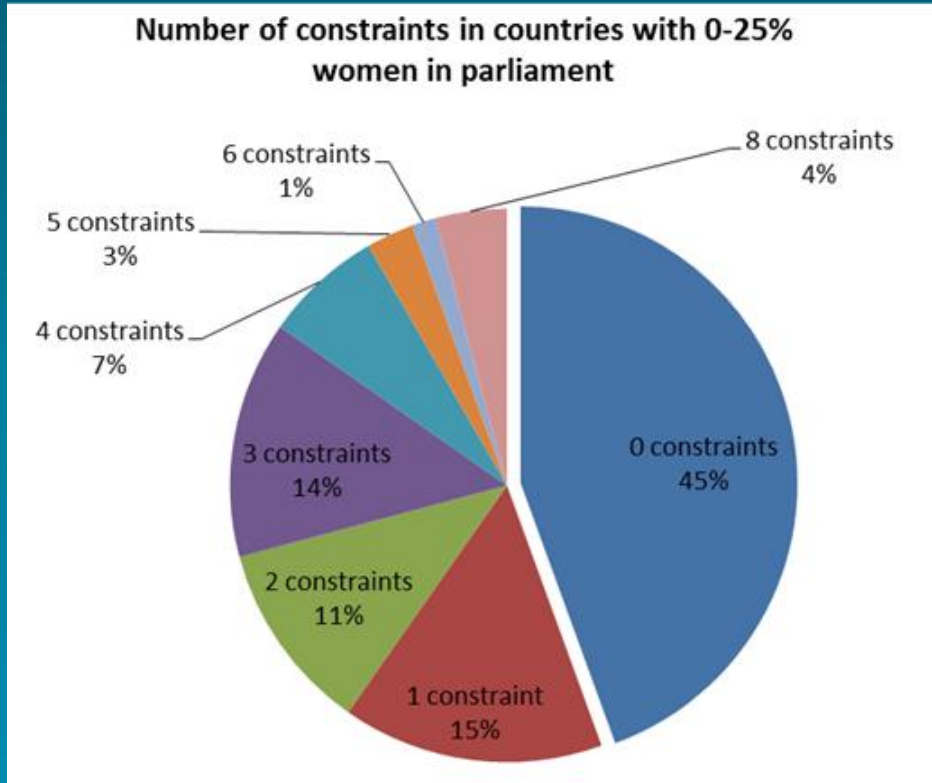
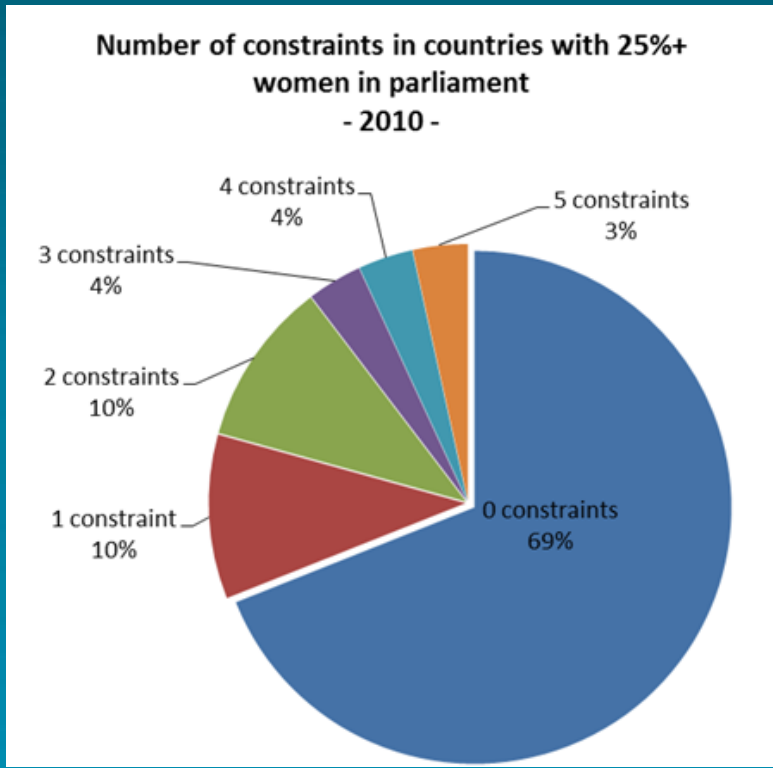
5 years before CEDAW ratification



5 years after CEDAW ratification



Women legislators raise the probability of reforms



Effects are strong both in cross-country comparisons and in trends within countries over-time

Gender Differences Affecting Women's Legal Capacity in Congo, DRC



- Married women legally cannot be Head of Household
- Married women cannot legally choose where to live

The husband is the head of household.. Family Code, Art. 444. The wife is obliged to live with her husband and to follow him wherever he resides. Family Code, Art. 454

- Married women legally cannot pursue a trade or profession
- Legally married women cannot register businesses

The woman must obtain her husband's permission for all legal acts where she is incurring a personal obligation. Family Code, Art. 448

The management of the common property and of the separate property of the spouses is assumed to be vested in the husband.

Family Code, Art. 490

- Legally married women cannot manage property

The wife cannot start legal proceedings, buy, mortgage, or incur obligations without permission from her husband. Family Code, Art. 450

- Married women cannot initiate legal proceedings or open a bank account

Reform Work in Congo, DRC



Reform of the family code is current underway

Objectives of Bank Engagement:

- Educate policy makers on the economic benefits of gender equality
- Ensuring consistency in legal language and close loopholes.
- Highlight best practices from recent reformers and lessons learned from previous attempts at legislative reform

Engagement to date:

- Separate workshops with National Assembly, Senators and Civil Society
- Diagnostics of labor and land laws for gender equality

Next steps :

- Once new family code is adopted, help with implementation and awareness building.

Reform Work in Côte d'Ivoire



- In 2012, the designation of “*chef de famille*” in the family code was abolished. As a result:

The tax Code previously allowed only husband to take deductions for children

The current code splits the dependent children deduction between spouses

Women have greater tax savings

Previously husbands could object to their wives' employment

Each spouse has the right to oppose the other's profession

Increased leverage in household decision making

Previously the husband chose the family domicile

Spouses jointly agree on domicile

Ability to move to where employment requires

Next Steps in Côte d'Ivoire



- Review of other legislation such as: commercial/civil/labor/land codes to harmonize and reform unequal provisions.
- Conduct a targeted analysis of the economic impact of the legal changes on the household but also on government revenues
- Dissemination of reformed legislation to build awareness amongst the public and ensure more effective political will to accompany operational reforms (including training to judges, notaries, and those tasked with implementing legislation)



WOMEN, BUSINESS AND THE LAW

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Where are laws equal for men and women?

FIND DATA FOR AN ECONOMY OR TOPIC

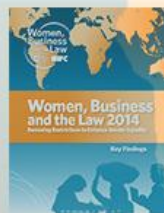
Select an Economy

Select a Topic

Women, Business and the Law presents indicators based on laws and regulations affecting women's prospects as entrepreneurs and employees. It is hoped this resource will inform research and policy discussions on how to improve women's economic opportunities and outcomes.

"Many societies are gradually moving to dismantle gender discrimination, yet more can be done" - Jim Yong Kim, The World Bank President

Key Findings



Women, Business and the Law 2014 measures legal gender parity for entrepreneurs and workers in 143 economies across seven topics.

- ▶ Download key findings (PDF, 960KB)
- ▶ Purchase the report
- ▶ Documents for media

TOPIC ANALYSIS



Mapping the Legal Gender Gap in Accessing Business Environment Institutions: This research paper

HISTORIC DATA



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