

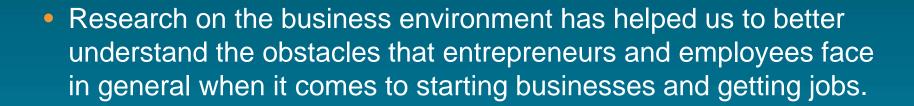
Women, Business and the Law 2014

Removing Restrictions to Enhance Gender Equality





What is Women, Business and the Law?



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.



Why Women, Business and the Law

Foreword to Women, Business and the Law 2014

"The ideal of equality before the law and equality of economic opportunity is not just wise social policy: It's smart economic policy. When women and men participate in economic life on an equal footing, they can contribute their energies to building a more cohesive society and a more resilient economy. The surest way to help enrich the lives of families, communities, and economies is to allow every individual to live up to his or her fullest creative potential."

Dr. Jim Yong Kim President The World Bank Group



Generating Women, Business and the Law data

- Can a woman get a job or pursue a trade or profession in the same way as a man?
- Can a woman register a business in the same way as a man?
- Can a woman travel outside her home in the same way as a man?
- Can a woman travel outside the country in the same way as a man?
- Are married women required by law to obey their husbands?
- Do men and women have equal ownership rights to property?
- Can non-pregnant and non-nursing women do the same jobs as men?
- Are there specific tax deductions or credits that are applicable only to men/women?
- Are there criminal sanctions for sexual harassment?
- If there is a non-discrimination clause in the constitution, does it explicitly mention gender?



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.



Numbers of gender legal differences vary by economy





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



What are the restrictions in Burundi?



- Burundi falls into the category of economies with between 3 and 5 restrictions. The measured restrictions are:
 - Married women cannot be the legal heads of household in the same way as married men.
 - Married women cannot convey citizenship to their husbands.
 - Female and male surviving spouses have different inheritance rights.



What are the restrictions in Chile?

- Chile falls into the category of economies with more than 5 and less than 10 restrictions. The measured restrictions include:
 - Married women cannot be the legal heads of household in the same way as married men.
 - Only husbands can legally administer property during marriage under the default marital property regime.
 - The retirement age for women is 60, while for men it is 65.
 - There is a weight-lifting threshold on women's work.
 - The Chilean Constitution does not have a nondiscrimination clause which includes gender as a protected category.



What are the restrictions in the Islamic Republic of Iran?



- The Islamic Republic of Iran falls into the category of economies with 10 or more restrictions. The measured restrictions include:
 - Married women cannot apply for a passport in the same way as married men.
 - Married women cannot travel outside the home in the same way as married men.
 - Married women cannot choose where to live in the same way as married men.
 - Married women cannot legally be head of household in the same way as married men.
 - Married women cannot get a job or pursue a trade or profession in the same way as married men.
 - Married women are required by law to obey their husbands.
 - Women cannot convey citizenship to their children.
 - Women cannot convey citizenship to their husbands.
 - The Constitution does not have a nondiscrimination clause with gender as a protected category.
 - There are gender differentiated inheritance rights for descendants and surviving spouses.
 - The retirement age is gender differentiated for men and women.
 - There are restrictions on the types of jobs women can do.



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



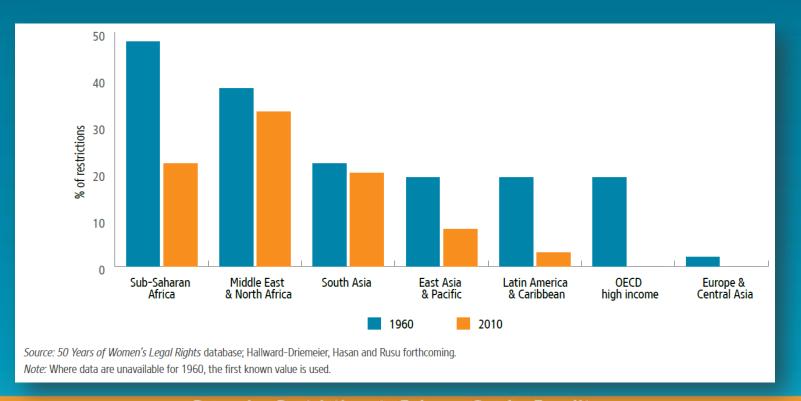
• The lengthiest lists of restrictions on women's employment are in Eastern Europe and Central Asia.

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.



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.





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

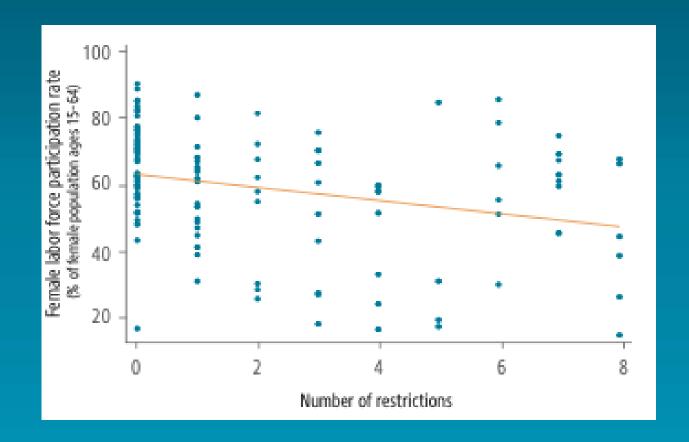
In 15 economies husbands can object to their wives working and prevent them from accepting jobs.

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.			



Job restrictions on women are associated with fewer women in the workforce

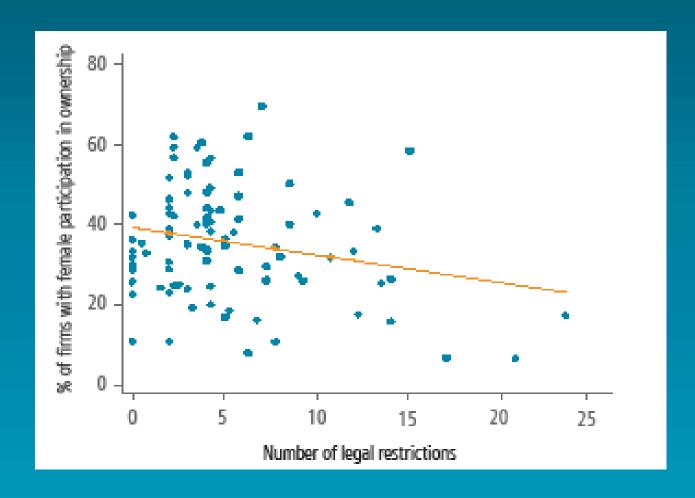




Source: Women, Business and the Law database, World Development Indicators database



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



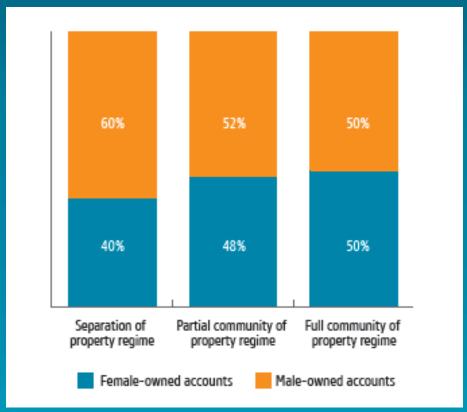
Source: Women, Business and the Law database, Enterprise Surveys database, World Development Indicators database



Certain property regimes can lead to greater financial inclusion for women



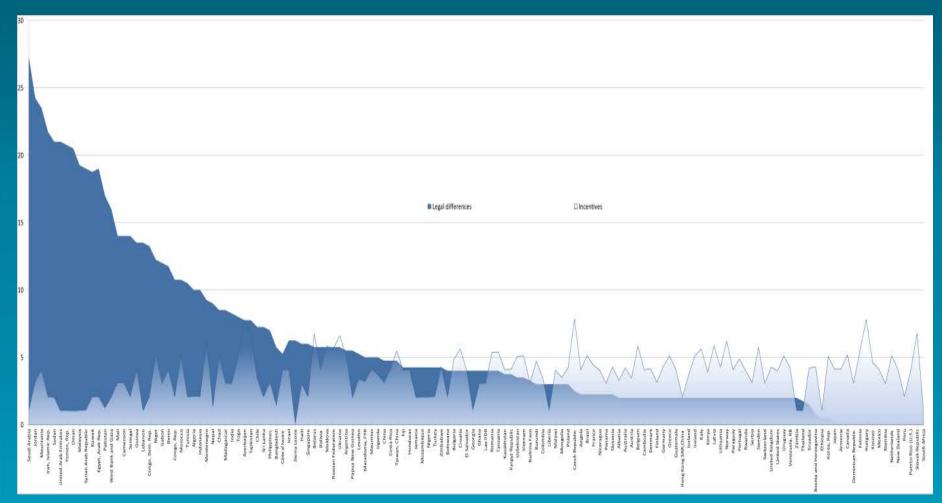
 Economies with full or partial community marital property regimes have, on average, more female owned accounts at formal financial institutions.



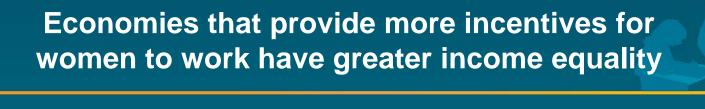
Source: Women, Business and the Law database, Global Financial Inclusion (Global Findex) database

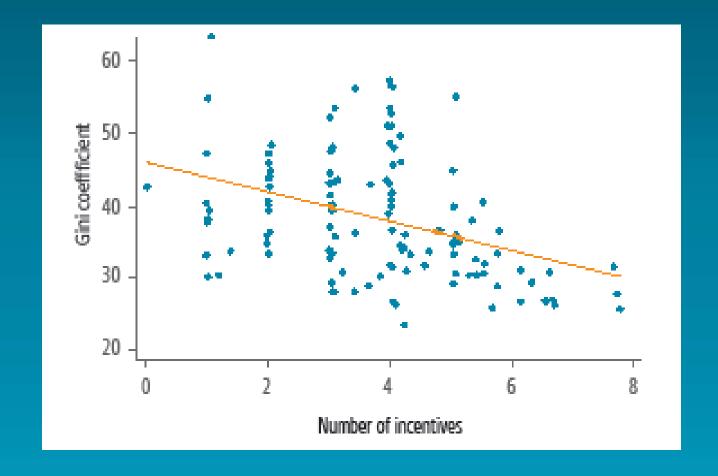


Economies with more restrictions also tend to provide fewer incentives









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



Women in leadership positions



- New data explore legal quotas on the share of women on corporate boards, in parliaments and local governments, and serving as judges on constitutional courts.
- The data find that 6 economies have quotas for women on boards of publicly listed companies and 12 have legal quotas for women in parliaments. Among the 123 economies covered by *Women, Business and the Law* that have constitutional courts or court-like bodies, women are represented on all but 19.



Women in leadership positions: quotas for women on corporate boards

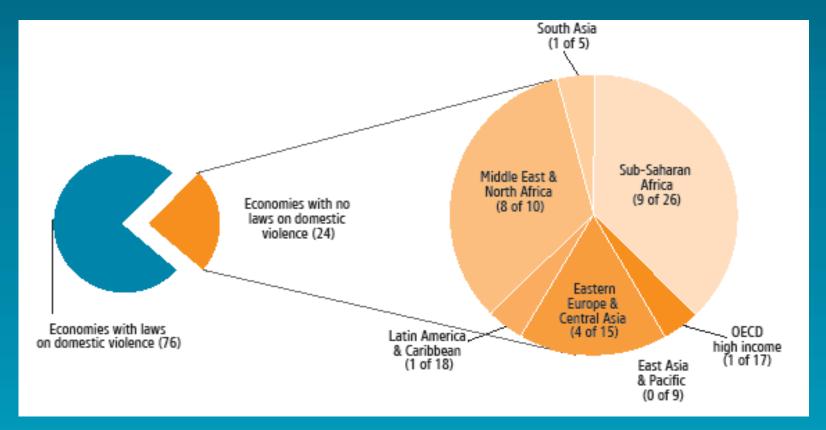


- Six economies have established quotas for women on boards of publicly listed companies.
- Norway led the way when it amended the Public Companies Act—making quotas mandatory and establishing a deadline for compliance by 2008. By the deadline more than 80% of listed firms had complied.
- Rwanda's constitution sets a minimum of 30% for women and men on boards of publicly listed companies.
- In 2010 Iceland set a 40% quota for women's representation on corporate boards.
- In 2011 Belgium and Italy established 33% quotas.
- France's Law 2011-103, enacted in January 2011, established a 20% quota, to be progressively raised to 40%.



Roughly 25% of the economies measured have no laws on domestic violence

 Out of 100 economies covered in the pilot indicator on Protecting women from violence, 24 economies have no laws on domestic violence.





Laws on domestic violence – where the legal gaps still exist



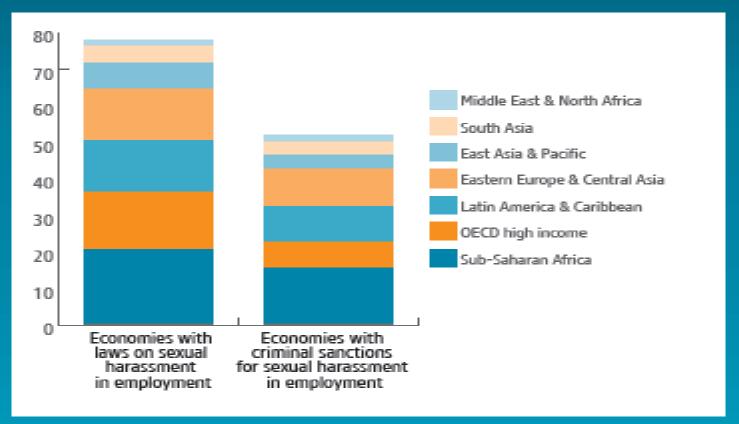
- In South Asia, Latin America and the Caribbean, and OECD high-income economies, only Pakistan, Haiti and Canada respectively have yet to enact legislation on domestic violence.
 - Though most Canadian provinces have passed legislation on domestic violence,
 Ontario—home to the country's main business city, Toronto—has yet to do so.
- Laws on domestic violence are less prevalent in the Middle East and North Africa and in Sub-Saharan Africa. A total of 17 economies in the two regions have no laws covering the issue.
- Domestic violence takes on different forms of abuse including: physical, sexual, emotional and financial abuse. Only 44 of the 100 economies measured cover all four types of abuse.
- For example, Chile's Intra-family Violence Act and Italy's Law on Measures against Violence in Family Relations do not address sexual and financial abuse.
- Abuse also affects unmarried women, but only 68 economies protect women in nonmarital intimate partner relationships.



Laws including criminal sanctions for sexual harassment in employment



 The data show that 78 of the 100 economies covered have laws addressing sexual harassment in employment. Labor-related sexual harassment is criminalized in 52 of these economies.





Few economies have legislation on sexual harassment in education and public places

- Only 32 economies have specific provisions on sexual harassment in schools.
- Even less prevalent is legislation on sexual harassment in public spaces—only 8 of the 100 economies examined have enacted such laws.

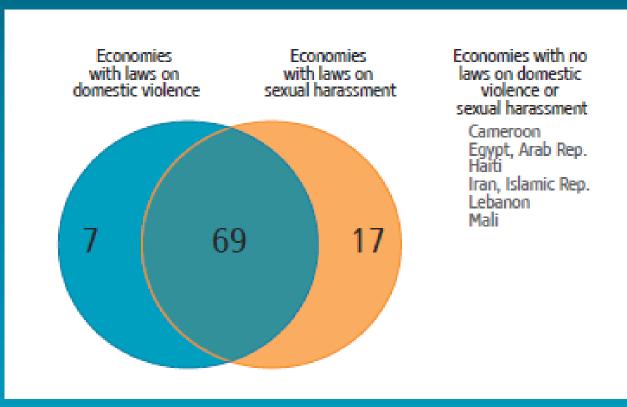
Region	Economies with laws on sexual harassment in educational facilities	Economies with laws on sexual harassment in public places	
East Asia & Pacific	Fiji; Philippines	Fiji	
Eastern Europe & Central Asia	Albania; Bosnia and Herzegovina; Croatia; Macedonia, FYR	None	
OECD high income	Australia; Finland; Korea, Rep.; Poland; Spain; Sweden; United Kingdom; United States		
Latin America & Caribbean	Argentina; Bolivia; Costa Rica; Ecuador; El Salvador; Honduras; Mexico; Nicaragua; Peru; Uruguay; Venezuela, RB	Ecuador	
Middle East & North Africa	None	None	
South Asia	Bangladesh; Sri Lanka	Bangladesh; Pakistan	
Sub-Saharan Africa	Benin; Ethiopia; Kenya; Mauritius; Zambia	Benin; Ethiopia; Zambia	



Absence of legislation on domestic violence and sexual harassment

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- Economies with laws on domestic violence are also likely to have provisions on sexual harassment, and vice versa, as in 69 of the economies covered.
- However, 7 economies have no legislation in either area, most of which are in the Middle East and North Africa and in Sub-Saharan Africa.
- But progress is occurring. For example, in August 2013, after the period of coverage of this report, Saudi Arabia passed a law on domestic violence.





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.

Women, Business and the Law 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	



The most active reformers over the past two years



- Cote d'Ivoire: a 2013 reform allows both spouses to choose the family residence and stop the other from working if they deem it against family interests, previously only husbands could do so. Moreover, wives are no longer barred from being the legal head of household. Married women who previously could not claim tax deductions for their children or husbands can now claim the same deductions as married men, reducing their overall tax burden.
- Mali: abolished differences that allowed husbands to prevent their wives from working and introduced equal inheritance rights for spouses.
- The Philippines: lifted restrictions on night work for women, and has a new credit bureau with no minimum loan amount that also collects information from microfinance institutions.
- Slovak Republic: increased the percentage of wages paid during maternity leave from 55% to 65%. It also raised the maximum amount of a small claim, allowing additional claims to be processed by small claims courts.

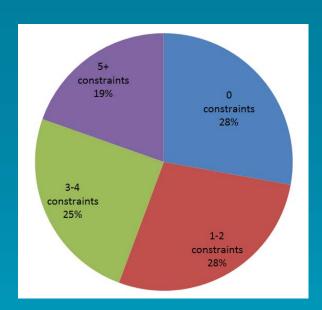


CEDAW helped catalyze reforms

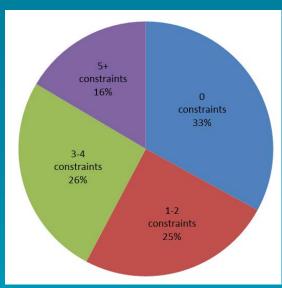


 Rates of reform doubled within 5 years of ratifying CEDAW

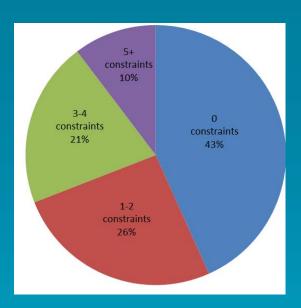
15 years before CEDAW ratification



5 years before CEDAW ratification



5 years after CEDAW ratification

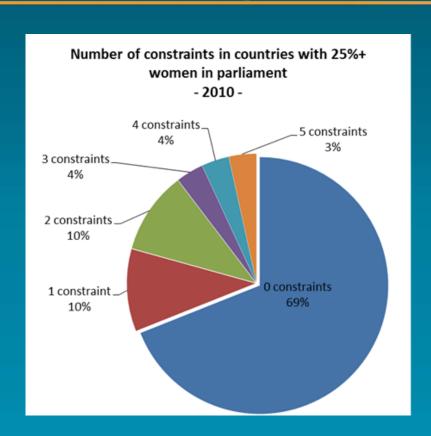


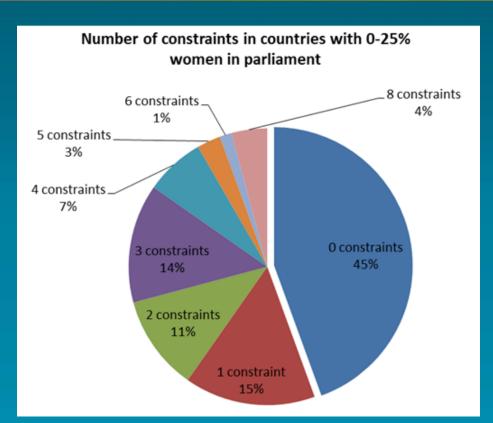
Hallward-Driemeier, Hasan and Rusu, 2013a



Women legislators raise the probability of reforms







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

Hallward-Driemeier, Hasan and Rusu, 2013a



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